














The Calcutta Review

Vol. 6 Part. 2nd

1846

*Sas.*  
**Librarian**  
**Uttarpara Joykrishna Public Library**  
**Govt. of West Bengal**





come the sovereigns of a rich and powerful nation" made no innovations on the fiscal system. The plan of farming lands was continued, but on assessments grounded on "conjectural estimates." There was no standard rate of rent, and the strong took advantage of the weak. The subject however attracted the attention of the Company in 1769, when supervisors were appointed to control native officers and inquire into the state of the country. The result of this investigation was the discovery that the "Nazims exacted what they could from the zemindars and great farmers of the revenue, whom they left at liberty to plunder all below; reserving to themselves the prerogative of plundering them in their turn, when they (the farmers) were supposed to have enriched themselves with the spoils of the country." In 1772, a Board of Revenue was formed, under the administration of Warren Hastings. The supervisors were called collectors, and lands were let on quinquennial leases to the highest bidders. This settlement was made at a time when the country was recovering from a famine which had swept away three millions of human beings. The contractors who had bid very high, unmindful of this calamity, proved *bakdars* (defaulters). This was ascribed to the inefficiency of the European collectors, who suffered depreciation and ultimately supercession by native amils. The non-realization of a large *bakaya* had elicited some observations on the system of farming, which, notwithstanding, was continued under annual settlements; and the only change worthy of notice, is a regulation that if the Zemindars came forward to enter into engagements, they should be preferred.

Such was the financial system until the arrival of Cornwallis in 1785. He found great disorder in the revenue department, arising in a great measure from the want of accurate knowledge of the country. The annual farming system was continued; but he felt anxious to ameliorate the fiscal administration. How the state of the country could be improved was the "labor of his thoughts." His mind had been saturated with the ideas arising from the institutions of his father-land. His imagination depicted in glowing colors the felicitous effects of the feudal system, and he was led to think that its application to this country would promote the cause of civilization and happiness.

With a mind full of such thoughts, and a stock of information, and data as limited as possible, he at once determined upon a *permanent settlement*. He felt eager and anxious for its speedy introduction. In 1789 he fathered the well known Zemindari settlement, and it was introduced in Behar and

Orissa; and in the following year in Bengal, comprising 149,732 square miles. It was originally decennial. By order of the Court of Directors it was made permanent. Mr. Pitt, Lord Grenville and others who then constituted the cabinet, approved of the measure. The letter communicating the confirmation of the settlement, and penned under the immediate direction of Lord Melville, met with their entire concurrence, and the order was proclaimed here, in 1793, with due *éclat*.

It declared Zemindars, independent Talúkdars or Chaudris, with whom the settlement was made, "actual proprietors of the soil." It was concluded without proper knowledge of the resources of the country, and due ascertainment of the rights of the different classes of land-owners and occupants. The Zemindars were the hereditary collectors and farmers of revenue, and not the proprietors of the land. It has already been said that their original designation was *Deshadhhikars* or district-chiefs. From their official connection with the land, the inference was, that they had in it a proprietary right. This was a sad mistake. This conversion of tax-gatherers into proprietors was fatal to the rights of the real proprietary body, who existed in Bengal under the names of village zemindars, cultivating zemindars, village proprietors, &c. The injustice caused by such a measure was of a serious nature. The maliks of Shahabad made strenuous remonstrances against the settlement being made with the Zemindars, but in vain. When Lord Hastings, then Lord Moira, was on a tour of inspection in the province of Bengal, the complaints of village Zemindars were numberless. He says, "the existing system established by the legislature left me without the means of pointing out to the complainants any remedy by which they might hope to obtain redress;" and that, from all he could observe, "the class of village proprietors appeared to be in a train of annihilation."

The sacrifice of the rights of the agricultural community was not the only evil. The dependent Talúkdars, who paid revenue through the Zemindar, were also affected by their being likewise handed over to the newly created body of landed proprietors. The existence of village communities, possessing peculiar rights, was not known or even suspected in the days of Cornwallis. What their fate was, owing to the Zemindari settlement, can be easily conceived.

The question as to the supposed proprietary rights of the Zemindars, had long engaged public attention, and the ablest men of the day had taken part in the discussion. Francis was a warm champion on behalf of the Zemindars; the views of Hastings were different. The conclusion arrived at by a com-

mittee appointed by him to report on the subject was in no way favorable to the opinion of Francis. The other individuals who subsequently took part in the debate were Sir John Shore, Mr. Thomas Law—the concocter of the plan of the permanent settlement,—Mr. Grant—a Revenue officer—and an intelligent writer under the name of Agrizola. The letters of the anonymous combatant dwell on the errors and disadvantages of the permanent settlement. Although there are many sensible observations in these letters as to Zemindars being declared “proprietors of the soil”—as to this measure proving “an almost insurmountable obstacle to secure the Ryots from oppression” and “its aggrandizing a *few* at the expense of *hundreds of thousands*”—interfering with the rise of “a numerous class of yeomanry” and blasting “the prospect of exciting emulation and industry,”—yet they seem to support the doctrine that the proprietary right of the land exists in the sovereign. Such continued discussion led to the discovery of some of the errors of the permanent settlement, and they were acknowledged by Sir John Shore. When it was introduced in Bengal, it received only this modification—that it should not be made with Mokarorí Talúkdars paying revenue through Zemindars, but with the Zemindars, declaring such Talúkdars “actual proprietors of the soil composing their talúks.” The permanent settlement, introduced no doubt from benevolent motives, was productive of serious evils. The basis on which it was formed was radically defective. Although it had been ordered that the jumma should be determined with reference to the average of former years’ collections, yet the amount was so fixed as to be equivalent to the sum then required for civil and military disbursements. It was considerably greater than the collections of Akbar’s reign, and equal to the amount “drawn from the country during the period of disorder and exaction.” It considerably exceeded the estimate of the Court of Directors, and the settlement of 1786-7. It was “more than fifty or sixty per cent. of the gross *produce* by a million of rupees or thereabouts;” and yet it was considered “a moderate jumma.” It was extremely unequal, owing to “partial and fraudulent assessment.” A few escaped the rigor at the expense of the many; and the subject of settlement was a rich mine of lucre to the Dewans and Sheristadars of the day, whose descendents constitute principally the existing aristocracy of Bengal.

Although the question of *meum* and *tuum* had been raised; and there was a good display of talent in the field of discussion, yet nothing of a satisfactory nature appears to have resulted. Whether we assume that the Ryot possessed the

*property of the land* or a *property in the land*, that is, a right of occupancy and cultivation subject to the demand of the State, it is obvious that the claim of the Government ought not to have been fixed at half the produce—the remaining proportion being allowed as expense of collection. Sir John Shore was of opinion that “the Ryots paid in the proportion of one-half of the gross produce of their lands.” The fixation of such a proportion was pregnant with serious objections. It virtually established a doctrine inculcated neither by the Hindus nor by the Mahommedans—We mean the proprietary right of the sovereign in the land. Such a tenet, subversive as it was of the existence of private rights, was an exotic in this country; and in itself an unnatural and unjust one. Whatever diversity of opinion there may be on the origin of Government—whether it was traceable to contract, heavenly ordination, or the natural course of events, there can be no question as to political institutions having been subsequent to the existence of private property. The idea of property, as being the product of labor, is *natural* with man. Land unreclaimed from sterility is common property. It is the first tillage and cultivation which constitute private property. In proportion as agricultural pursuits are thus carried on, the curtailment of the natural liberty and the want of mutual protection are felt; and it is private property which gives rise to Government, and not Government to private property.

But granting that Government was the proprietor, its demand ought to have been limited to the full share of the RENT, and should not have encroached upon the other constituents of produce—LABOR and CAPITAL. The force of this observation will be particularly felt, when we take into account the different qualities of the land, and the circumstance that there are some lands which pay only the expense of cultivation. How the pressure of taxation operated upon such lands can be easily imagined. That the assessment of half the gross produce as Government claim was productive of injury to the ryot, needs no demonstration. It has been statistically shown by Mr. Colebrooke, in his “Remarks on the husbandry of Bengal,” that cultivators at half the produce are worse off than a laborer in the same field at two annas per diem. Lord Brougham, in speaking of the Permanent Settlement, says that it “gave eighteen shillings out of every twenty shillings to the Government, by way of rent!” Sir Thomas Munro observes that “if more than one-third is demanded as Government rent, there can be no private landed property.”

We know of no country, European or Asiatic, where the

cultivators are taxed at one half the gross produce. Under the Hindus the land tax was a twelfth, an eighth, a sixth, or in peculiar and urgent cases, a fourth of the produce. The ordinary proportion was however one-sixth, or seventeen per cent. Under Akbar it was fixed at one-third of the *average produce*. But under the British, it has, in many cases, been settled at one-half.

The creation of the "landed aristocracy," which it had been supposed would give "wealth and happiness to the intelligent and industrious parts of the country," did in no way produce the expected effect. The reason why the ryot could bear its pressure so long, was, that he had more land than mentioned in the pottahs, and this is what he was able "to secure by evasion and concealment." The land-tax was exorbitant. The machinery employed for the realization of the revenue was ill adapted for the purpose. While the Government collected the revenue in a *summary* way, the Zemindars had to institute against the ryots regular proceedings for the recovery of their rents. This was not the only impediment to punctual and expeditious collections. The revenue payable by the Zemindars had been fixed, but that demandable from the ryots was left in a state of great uncertainty,—although it was known that the "Zemindars continually imposed new taxes on the ryots, and having subverted the fundamental rules of collection, measure their exactions by the abilities of the ryots." These circumstances combined, disabled the Zemindars from meeting the demand of the Government. The price of land came down considerably, and in some instances it did not fetch even one year's jumma. There was a large default in the revenue, and the estates of the defaulters were brought to the hammer. The sales were so numerous that they are said to have amounted to "probably one-third, or rather one-half, of the landed property of Bengal." This sadly interfered with the creation of a "landed aristocracy," and led to the investiture of the Zemindars with summary powers (Reg. VII. of 1799) for collecting rent from the ryots. But the quantum of rent payable by the ryots was, to quote the words of the Court of Directors, "regulated neither by specific engagements, nor by the established rates of the Pergunahs, or other local divisions in which they reside, but by the arbitrary will of the Zemindars," who sadly abused the powers with which they had been armed by the *hufstun* regulation. The evils arising from the law of distraint were serious. Imposition and oppression were at their zenith. The courts of law were appealed to, but they could render no aid. "In the cases which did come before them," says Rickards, "there was neither rule, nor precedent, nor usage, to guide their decisions; for the



rights of ryots had never been defined; and judgments consequently were often given on principles diametrically opposite."

The miserable condition of the ryots having roused the sympathy of the ruling authorities, they enacted that pottahs or leases should be granted specifying the amount of the demandable rent. But this enactment was soon found inoperative. The Zemindars were desirous of extracting from the ryots every farthing they could get, and the ryots were afraid of giving them any written engagements, lest they might suffer worse conveyance. The Zemindars were prohibited from increasing the *nerih* or local rates of rent. But the *nerih* had not been determined, and its amount was unknown. Every imposer of enhanced rates could say that his claim was in perfect consonance with the *nerih*. There was so much diversity—so much mutation and fluctuation in the *nerih*, that it opened "a new, extensive, and fertile field of litigation" between the Zemindars and ryots. The judicial files swelled to huge magnitude; and in one single district—Burdwan,—the number of suits instituted was thirty thousand! The courts of justice saw before them nothing but Cimmerian darkness, and were unable to pass correct decisions.

In 1812 the Punjam or Regulation 5th was passed. It was an improvement on the rules regarding pottahs, the duration of which was to be settled by the parties granting and receiving them. In other respects it was calculated to do no good to the peasantry, but on the contrary armed the Zemindars with greater powers to harass and oppress them.

The Permanent Settlement abstractedly considered is a great incentive to agricultural improvement, by reason of the security it affords against the increase of rent. The absence of fear in the enjoyment of the fruits of labor operates as a powerful stimulus to exertion, and the increased employment of capital. Such a settlement would have proved a boon if it had been made on just and liberal principles—recognizing the rights of the different classes of land owners and occupants, establishing an equitable assessment, and determining the rates of rent payable by the ryots to the Zemindars. But the manner in which it was introduced renders it a failure. The Court of Directors, seeing the effects which it had produced, could not but "lament that the objects of the Permanent Settlement, in so far as regards the security and happiness of the most numerous and industrious class of the community, have hitherto been so imperfectly attained, that instead of maintaining their rights, we have not ascertained what they are." The Finance Committee, in their report, dated 12th July 1830, say, "in the permanently

settled districts in Bengal, nothing is settled, and little is known but the Government assessment." The Select Committee, after a patient and searching examination of the great mass of evidence taken on the subject, report, in 1832, that "it (the permanent settlement) does not appear to have answered the purposes for which it was benevolently intended by its author, Lord Cornwallis, in 1792-3." In the celebrated Fifth Report it is stated, that the permanent settlement "has produced more distress and beggary, and a greater change in the landed property of Bengal, than has perhaps happened in the same space of time in any age or country by the mere effect of internal regulations."

We can quote the opinions of Lord Hastings, Holt Mackenzie, and others, to show the pernicious consequence of the permanent settlement. But we deem the task superfluous. We shall however conclude by quoting only the words of Sir E. Colebrooke—"The errors of the settlement were twofold; first in the sacrifice of what may be denominated the yeomanry, by merging all tillage rights, whether of property or of occupancy, in the all devouring recognition of the Zemindar's permanent property in the soil, and then leaving the Zemindar to make his settlement with the peasantry as he might choose to require."

The remedial measures ordered by the Court of Directors are, that the Zemindaris, sold for arrears of revenue, should be purchased on account of Government, and settled on the Ryotwar plan. But this order has not had much effect in Bengal, where *Khas management* has not been found advantageous to the *Sirkar*, (the Supreme Government).

Having endeavoured to point out the radical defects of the existing system of Land Revenue in Bengal, we shall now proceed to treat of the additional causes of the degradation of the rural population.

The land tenures in Lower Bengal are of so many descriptions, that a detailed account of them would fill a number of pages. They are however divisible into three classes—1. Zemindari. 2. Talúkdari. 3. Ryotti. We have already given an account of the Zemindari Tenure. The word Zemindari is somewhat indefinite, and conveys no exact idea of the average extent of territory which it comprises. Some Zemindaris pay lakhs; some, thousands; some, hundreds; and some, only a few rupees. They pay *malgúzari* direct to the Collectorate, in default of payment, their Zemindaris are liable to forfeiture and absolute sale. The Talúkdari Tenure is somewhat comprehensive and applicable to several classes of tenure holders. During the latter part of the Mahommedan admini-

tration, extensive contractors of revenues were called Talúkdars or rather Zemindar Talúkdars. Purchasers of waste lands outright from Government on the payment of an annual fee, and holders of Enam or jagír lands at a quit rent had also the same designation. A Talúk is however a subordinate tenure in a Zemindari and the Talúkdars are of two classes, viz. Independent or Húzári, and Dependent. The former have a proprietary right in their Talúks, and pay revenue direct to Government. The latter have no such right. They hold land at mokarori or fixed rates, in perpetuity or for a limited period, from Zemindars, and pay rent to them. They have however the power of transferring their tenure by sale, gift, and other modes of conveyance. That this power has been largely exercised is evident from the subtenancy prevailing throughout the country. The names of the Dependent Talúkdars and their under farmers vary in different districts. They are called Putnidars, Durputnidars, Kotkinadars, Durkotkinadars, Mostajars, &c.

The Putni tenure was created by the Rajah of Burdwan, the greatest Zemindar of Lower Bengal, paying an annual sudar jumma of thirty lakhs of Rupees. The object of creating this tenure was evidently to avoid the trouble of looking into the details of management, and to realize the collections with greater ease and certainty. The Putnidars, actuated by the same desire, sublet their tenure to Durputnidars, who in like manner farmed their durputnas to Saputnidars at a higher jumma. The whole system was, to quote the words of Mr. William Blunt, "profit upon profits." The gradation however did not end here. Mr. Butterworth Bailey, when magistrate of Burdwan, says "I have met with more than one instance of a village being held in portions by six or eight individuals as a Dur-dur-dur putni Talúk." And the consequence was that the ryots were several degrees removed from the Zemindar, to whose care they had been committed by the permanent settlement. There was a regular ferreting and squeezing out of their earnings, and they had to feel the whole onus of imposition in consequence of the different grades of farmers making the most of each other. The inconvenience, insecurity, and oppression caused by this system of sub-letting were serious. They reached the ears of Government, and Mr. H. T. Prinsep was sent to Burdwan to inquire and report on the subject. In the course of six weeks that gentleman concluded his labors, and in 1819 a regulation (No. VIII.) was passed, confirming the tenure. The system of letting and under-letting had been found to

press heavily upon the ryot. It is one of the principal causes of his impoverishment; agriculture can never prosper while the peasantry are so much harassed and crushed down. "Even a bad sovereign," says Dr. Smith, "feels more compassion for his people, than can be expected from the farmers of his revenue." But the want of improvement and the oppression of the people are not the only evils. Depopulation and the increase of crime are and must be inseparable from the cruelties practised upon the ryots, by the farmers and under farmers. That such has been the case can be shewn by historic proofs. A ryot can never think of prosecuting his agricultural pursuits when his rights are trampled upon—when he himself is deprived of the last *courie* he possesses; and the hand of oppression raised against him. In such circumstances he is constrained to emigrate or live upon thefts and dakoities.

The difference between a Putnidar and Kotkinadar or Ijardar, is, that the tenure of the one is perpetual and liable to sale in default of the payment of rent; and that of the other is for a limited period. All these classes of farmers and under farmers are actuated by motives of speculation, and fail not to make the best of their bargain. The Kotkinadars are known to have been particularly unmerciful. Knowing that their leases will expire on a certain day, they rob the ryot right and left, unmindful of any consequences. In one of the papers under review, it is stated by a well-informed and intelligent native gentleman, that "by the majority however of the most respectable and opulent landholders the abwabs or *bajaddayas* (as they are sometimes called) are never systematically levied, as they make the payment of them optional with the ryots. But unfortunately it is not so with the *Khorda Talúkdars* such as Durputnidars, Saputnidars, farmers and others, who make them a matter of extortion, and will not cease till they are paid up." It is also known, that, when there was a partial failure of crops in Zillah Kishnagur in 1809, and the ryots were in consequence badly off, they received no indulgence from the Kotkinadars and Durkotkinadars. On the contrary they were so much oppressed that they were forced to desert their villages. "All these under-landholders have," says Mr. A. Fraser Tytler (who held the office of assistant Judge in the 24-Pergunnahs) "independent of the high rent demanded, various means of oppressing the *ryots* and making the best of their lands. Perhaps some respectable man has given away, at a marriage or otherwise, a small portion of land to a needy dependent, but has not thought it necessary to give him a regular *sunnud* (or grant). The

Kotkinadar taking the law into his hands, demands a sight of the title deeds, and not receiving them, disposes of the land to his own friend. Another poor ryot, having scraped together a small sum of money (which, as it is at the present day a miracle, ought the more to be encouraged) has planted a few trees; the new Kotkinadar must have a rent or jumma for these. A third has had a piece of land for many years, calling it ten *big-gahs*; the new Kotkinadar tells him, he must either pay so much or have his lands measured. The poor wretch well knows what he has to expect from the measurement of a *Kotkinadar*, and he will rather pay than have his little piece of ground limited, as it may probably contain a few divisions more than was stated, and from the cultivation of which alone, he can afford to pay the enormous rent of the landholder. In short their devices for making money are innumerable." Again the same author says "it is to Kotkinadars and Durkotkinadars that we may chiefly ascribe the harbouring of *Dakoits* and other notoriously bad characters; for I think it may be easily seen that it is not the interest of any respectable *Zemindar*, to nourish, as it were, vipers in his bosom, to support the very men who ruin the villages and cause the ryots to fly from his lands." The opinions which Mr. W. Dampier, the Superintendent of Police, expresses in his Reports, fully bear out our view of the prejudicial effects of the subletting system. In the second half-yearly report for 1842, he says, speaking of Burdwan; "In this district, as well as in others where there is much underletting, holders of land and others apparently engaged in trade and of some respectability are engaged as protectors of *Dakoits* and receivers of the property." Again, in the Report for 1843, "the subletting system, which relieves the *Zemindars* from all connection with their estates or ryots, and places these in the hands of middlemen and speculators, is striking its roots all over the country, and is grinding the poorer classes to nothing but a bare subsistence, if it leaves them that. The *Tikadar*, *Zurpeskidar*, *Putnidar*, *Izardar*, and all that class, including their innumerable sub-dependents, are spreading over these provinces and breaking down all feeling between landlord and tenant—Regulation VIII. of 1819 is of advantage to absentee landlords; but it is the bane and ruin of the cultivators of the soil, leading to more crime and misery than can be explained here." In another part of the Report Mr. Dampier refers "to the subletting system, which, leaving the ryots very little subsistence (the rents being higher and the price of labor lower than in other districts) exposes them to the temptation of robbing, when they are in penury, and also the minor *Talúkdars* and

sub-holders who receive themselves but little from the soil, countenancing and protecting the gangs."

Need we multiply quotations to show the pernicious effects of the sub-letting system? They are so palpable, and have so often been the themes of reprobation, that any further demonstration is unnecessary. •

Next to the Talúkdari, comes the Ryotti tenure. The word ryot does not necessarily mean a cultivator; for a man may be a ryot without being himself a cultivator. It has particular reference to *jot*. Persons who have lands in their own *jot*, or in the *jot* of others, or who are residents in any Zemindari or Talúk, are called ryots,—of whom there are two classes, viz. Khodkhasts and Paikhasts. The former are resident ryots; that is, they live and may or may not cultivate lands in the same Zemindari. The latter only hold lands, having dwelling houses in other Zemindaris. Although there are *Mokarori* and *Istamorari* *Khodkhasts* and *Paikhasts*, yet *Mokarori* and *Istamorari* refer more to the former than to the latter. They mean holdings at a *fixed* jumma in perpetuity. The fulcrum of the *Mokaroridar* is ancient title under the guarantee of a pottah; and that of the *Istamorardar* is prescription. There are other words which are applied to lands held at a fixed jumma, viz. *Kodimi*, or holding from generation to generation, and *Mourosi*, or what descends as a patrimony. But they all purport one and the same thing—an indefeasible and acknowledged right against the increase of jumma. The holder of any of these tenures may or may not possess *proprietary right* in the land, which is invariably annexed to the Putitdar or him "whose ancestor first broke up the soil;"—a class almost annihilated by the permanent settlement. These tenures no doubt afford great security to the peasantry, but the number of persons holding them is very limited in every district. The mutations caused by the existing system of land revenue, have been so great, that the large proportion of good tenures held before by the Ryots, are now almost engrossed by the Zemindars, Talúkdars, Putnidars, Kotkinadars, and their numerous sub-holders, to whom they have been conveyed in satisfaction of the arrears of rent or other demands. That the Ryots are often under the necessity of selling their lands and tenures to the Zemindar, his subtenants or agents, is well known. The passion for creating such property is so strong, that Gomastás appointed to a Zemindari often make it a subject of their study to form some such *Alaka*, either in their own name, or in the name of any of their relatives for fear of the Zemindar. That there should have been such a great change in Ryotti

tenures is not therefore to be wondered at. According to the law, *Mokarori* and *Istamorari* tenures held for more than twelve years before the permanent settlement, are not liable to an increase of jumma, except when the Zemindari is made Khas, in which case they are assessable according to the general rates of the district. Such tenures, if existing, must have been difficult to substantiate, by reason of the liability of documents to decay, and the paucity of proofs of such old events. Those Ryots however who hold *Jumabundi* from the *Sirkar*, or registered pottahs, are the only class whose safety against the increase of jumma can be calculated upon. The Khodkhasts generally take *Bamiadi pottahs*, or leases for an unlimited period; which are not invariably granted to the Paikhasts, who are, in many instances, tenants at will. With respect to the Khodkhasts, Rammohun Roy says "By Art. 2. S. 60. of Reg. VIII. 1793, Government declared, that no one should cancel the pottahs (i. e. the title deeds) fixing the rates of payment for the lands of the Khodkhast Ryots" (peasants cultivating the lands of their own village) "except upon proof that they had been obtained by collusion," or "that the rents paid by them within the last three years had been below the *nirrh bundi* (general rate) of the *Purgunnah*," (particular part of the district where the land is situated) or "that they had collusive deductions," or upon a general measurement of the *Purgunnah* for the purpose of equalizing and correcting the assessment." In practice, however, under one or other of the preceding four conditions, the land-holders (Zemindars) through their influence and intrigues, easily succeeded in completely setting aside the rights, even of the Khodkhast cultivators, and increasing the rents."

The Khodkhasts and Paikhasts, whose tenures are always transferable, are susceptible of sub-division, but the tenures falling under such sub-division are not uniformly denominated in all districts. We shall touch on those which are of a prominent nature.

*Tikadar* is the holder of land for a limited period. In the 24-Pergunnahs the parties who purchase proprietary rights in lands situated in any Talúk or Zemindari are called *Tikadars*.

*Bhaghar* is the cultivator of land on the condition of obtaining from the proprietor half the produce. *Sajot* is a species of *Bhag* in which a fixed quantity of produce is taken as rent. This tenure is prevalent in many districts, and resembles the Metayer system in Europe. Although it is better than the system of slave cultivation, it is said to have proved injurious

both in Europe and India. In cases where the crops are not uncertain, the truth of this observation is evident. "The tenant," says Dr. Buchanan, "is not pushed for his rent, and his great object, in place of cultivating well, is to diminish the expense of cultivation. From this a very great loss arises to the landlord, and still more to the public."

*Pathar* is the cultivator of land of which the rent is fixed when the crop is in the field. On the removal of the produce, all his right in the land ceases.

A cultivator of *Khamar* land means one who cultivates waste lands, as well as those lands, which are held of Zemindars, who let them from time to time.

*Junglbúridar* is the holder of jungly lands, who are generally exempted from the payment of rent for a certain period. They are in the first instance *rosuddi* and eventually assessed at a full jumma. This tenure is transferable when the jumma is fixed, and the pottah given without any limitation as to time. It is also Mekarori when stipulated in the pottah.

The enumeration of Ryotti tenures does not end here. The above is merely a brief sketch of the leading ones. In many of the districts there are special and peculiar tenures.

The under tenants, though variously designated, Patoy, Kurfa, Tika, Shikmi, &c. are of one description. The pottahs granted to them are sometimes *bamiadi*. They have generally no fixed rights, and hold lands at the will of the *Sha ryot*.

There are two classes of people who compose the agricultural community, viz. *Grihasthas* and *Chasis*. The former let their lands to husbandmen, and receive a certain rent or a portion of the produce, or hire laborers to cultivate them, confining themselves to mere direction and supervision. This class consists of Brahmans, Baidas, Kayasthas, Kazís, Maulavis, Khonkars, &c., who however humble in circumstances, consider it derogatory to their honor to handle agricultural implements. The latter, or the *Chasi* class, are in all cases the real agriculturists. They either cultivate for themselves or for others or superintend their own cultivation. Men of low castes, such as Pods, Tiurs, Sudgopas, Kaibartas, Goahlas, Jolabs, &c. constitute the *Chasi* class. And their proportion is generally greater and varies in different districts.

Although land in Bengal is noted for its fertility and yielding remunerating crops, the high rents, abwabs, and other expenses, prevent the ryots from creating a capital. To this circumstance is to be attributed the growth and fructification of the mahajani system. The mahajans or money-lenders are sometimes the resident cultivators, and sometimes Talúkdars of the same or



of the neighbouring villages. The rate of interest at which the ryots borrow money from mahajans varies in different districts. At Burdwan it is 12 to 25 per cent. per annum,—25 per cent. on the hypothecation of crops is the ordinary rate in the 24-Pergunnahs. At Nudiya, Zemindars lend money at 12, but mahajans charge  $37\frac{1}{2}$  per cent. per annum. The mahajani interest at Jessore is at least  $3\frac{1}{8}$  per cent. over and above the usual rate. It is stated in another part of the answer from Jessore that the professional mahajans lend money “at an enormous interest, taking care to deduct a certain sum as *Dharati* from the amount of the loan,” and the milkman, oilman, &c. “are obliged to supply their creditors daily with the articles they trade in, for their diurnal consumption.” The pressure of drainage falls so heavily upon the ryots that they are obliged in many instances to borrow paddy from their landlords, and the repayment is generally made in double the quantity; if it is not repaid in due time, an additional sum in the shape of interest is charged; and the system is known under the name of “Bari daya.” Mr. Alexander Frazer Tytler, whom we have already quoted, says, “the mahajan lives by the ryot, receiving almost cent per cent from them, and as surely the ryot lives by the mahajan, for you must change his nature, before he will live in any other way.” The ryot, although unknown to the mahajan, is assisted with money, and with the means for the prosecution of agricultural pursuits: and the connection between them becomes most intimate. Mr. Tytler, who had many opportunities of knowing the particulars of the mahajani system, gives the following account—“The mahajans are frequently a most oppressive class of men, and ruin the *ryots* by the exorbitant interest they charge, by their cunning in keeping accounts, thus leaving them in complete ignorance of the state of their affairs, and by many other iniquitous practices. These practices ought to be checked; and a thorough investigation of this system would develop numberless scenes of knavery and imposition, would save the families of many thousands from distress, and prevent the occurrence of many crimes.” In the answer from Burdwan, it is stated that “the ryots are entirely, or almost entirely, in the hands of the mahajans; and are made the instruments, as well as victims, of every description of villany practised by them.” From the day that a ryot falls into the hands of a mahajan, he becomes a degraded being. There is an awful potency in the word of the mahajan, and it must be listened to, and acted upon, without any consideration of the consequences. When the Talúkdar is the mahajan, the ryot is entirely at his mercy. If the case be other-

wise, the ryot must be under the influence of the party most oppressive and tyrannical—be he the Talúkdar or Mahajan. The connection between the ryots and mahajans being more intimate, they are generally more under the influence of them than of the Talúkdars. But the effects of the system are extremely prejudicial, and it is of great importance to think of means calculated to hasten its destruction. We fully concur in the view taken by Jeremy Bentham of the question of usury, and are no advocates for money being differently regulated from any other commodity. Legislative restrictions may be imposed upon the loan of money at more than a fixed rate of interest; but they prove weak and impotent in their operation. The rate of interest is in reality dependent upon the necessity and respectability of the borrower, and the state of the money market. The root of the Mahajani system, is the living of the ryots from hand to mouth. Whatever they earn is drawn upon in so many ways, that instant absorption is generally the inevitable result. True, the exertions of Mr. John Elliot, magistrate of Zillah Tipperah, in inducing the ryots to live independently of the mahajans, were crowned with success. True, that similar strenuous efforts might be attended in some cases with similar results. But we do not see how we can hope for a total cure, unless the causes which force the ryots to resort to the mahajan's aid are removed. It is our impression that if the ryot be sufficiently protected, and enabled to create capital, the Mahajani system will necessarily die away. The great thing to be aimed at for the extirpation of this evil is the gradual liberation of the ryot from the imposition and oppression to which he is now subject, and which almost drain him of the fruits of his labor. We are however in no way unfriendly to the adoption of auxiliary means. The mal-practices of the mahajans ought to be watched with great attention; condign punishment inflicted on the convicted; and ryots discouraged in every way from being made cyphers in their hands.

The rates of rent are scarcely equal in two districts. They not only vary in different districts, pergunnahs and villages, but in different parts of the same village. They are generally determined with reference to the fertilizing qualities of the soil, the number of crops they bear, and the facilities which exist for the advantageous cultivation and sale of the produce. There are various descriptions of soil, viz. Shali, Shúna, Dwa, Kurpa, Iksú, Tamak, Tút, &c. Shali produces one ámun crop (Rice). Shúna produces one áwús crop (Rice) and sometimes other crops such as hemp, peas, flax, &c. The crops

raised on Dwa, are cotton, sugar cane, tobacco, rice, vegetables, &c. and it is by far the richest land. The other lands Kurpa (cotton) Iksú (sugar cane) Tamak (tobacco) Tút (mulberry) &c. are all subdivisions of the Dwa.

The variation of rent in different parts of Bengal is striking. But its maximum and minimum could, notwithstanding, be determined, and so settled as to promote agricultural interests. When the permanent settlement was made, the revenue payable by the Zemindars was settled. But what should be paid by the owners and holders of different descriptions of land in the different parts of the country, was left in a state of uncertainty. "Government," to quote the words of Mr. Mill, "has not interfered with the payment or the mode of payment to the Zemindars; and the decision of the courts has been, that under terms of the permanent settlement, they have no right to interfere, either in respect to the mode, or in respect to the degree. This has been productive of positive mischief to the rural population and to the cause of agriculture."

That the Zemindars frequently increase their demand against the ryots, and are not guided by any fixed principle, but by their "arbitrary will," is a well known fact. Mr. H. G. Christian, in his evidence before the Select Committee in 1830, stated, "I think the rent is frequently increased on them—(ryots): one case in particular came before me as a member of the Board of Revenue for the Lower Provinces; it originated I believe in the district of Jessore." Mr. Holt Mackenzie, in his evidence before the same Committee in 1832, said, "Generally they (Zemindars) take what they can get without any very distinct understanding of the grounds of their demand." Mr. T. Fortescue, Commissioner for the Civil affairs of Delhi, expressed his opinion to the following effect on the same occasion—"Had the rates by which the ryots were formerly liable to be assessed been recorded at the permanent settlement, and fixed; the value of the rights of the ryots would ere this day have been very considerable, and rendered them secure and comfortable." The evidence given by Mr. Mill before the Select Committee is also much to the point. He says, "they (Zemindars) take from them (Ryots) all that they can get; in short they exact whatever they please. According to what is now the common understanding, and apparently the decision of the courts, they have no defence whatever but that of removal; they must decline to pay what is exacted and quit the land."

The report made on the subject in 1814, by Mr. Cornish,

the 4th Judge of the Patna Court of Circuit, is very relevant and pertinent. He declares :—

“The assertion may appear extraordinary, but it is nevertheless certain, that the rights of the Ryots remain to this day unexplained and undefended. It is true that there is something like a provision for preventing the rents of the lands of the Chapperbund or, Khodkhasta Ryots from being raised, unless the Zemindar can prove that they have paid less for them, for the last three years, than the *nerik* of the Pergunnah. But what is this *nerik* or how to be ascertained? It is a mere name, and of no kind of use in securing the rights of the Ryots. The Paikhast Ryots are altogether left to the mercy of the Zemindars. Was this intended? If so, what can possibly be the objection to its being declared by a Regulation, that the Ryot is a mere cultivator and tenant at will, and that, if he refuse to take a pottah, he may be ousted by summary process, and that, further, on the expiration of his engagement, the Zemindar may demand whatever rent he thinks proper to ask.

The consequence of the confusion and doubts which at present exist on this subject, is, that the Ryots conceive that they have a right to hold their lands so long as they pay the rent which they and their forefathers have always done; and the Zemindars, although afraid openly to avow, as being contrary to immemorial custom, that they have a right to demand any rent they choose to exact, yet go on compelling them to give an increase; and the power of distraint, vested in them by the regulations, soon causes the utter ruin of the resisting ryot.

These disputes, in general, end by the ryots appealing to the courts of justice, suits of this nature are exceedingly intricate and difficult of decision, and the judgments of the courts are frequently given on principles diametrically opposite, and this must, and ever will be the case, until the subject is taken into the consideration of Government, and the rights of the Ryots, if they have any, clearly defined; or if they have none, that their minds be set at rest by being told so; in this case, instead of resisting the attempts of the Zemindars to raise their rents on them, which is sure ultimately to end in their destruction, they would patiently submit to the orders of Government, and secure for themselves the best terms in their power.”

We have already introduced a goodly array of witnesses, and the sentiments expressed by them show in what an uncertain and insecure state the Ryot is. Indeed this defect in the enactments of 1793, is so great, that they have been pronounced by the Home Government to authorize the Zemindar “to oust even the hereditary Ryots from the possession of their lands, when the latter refuse to accede to any terms of rent, which may be demanded of them, however exorbitant.” The subject has not escaped the attention of the authorities here and in England. Although the allodial rights of the Ryots have been virtually annihilated by the Permanent Settlement, yet it provides for the adoption by Government of such measures as may be “necessary, for the protection and welfare of the dependent Talúkdars, Ryots and other cultivators of the soil.” This reservation, although not distinctly adverted to in the correspondence be-

tween the Bengal Government and the Court of Directors, will be found substantially recognized. The revenue letter dated 1st August 1822, from the Bengal Government, states "that there is nothing in the laws when duly considered calculated in the slightest degree to bar the Government from the adoption of such measures as it may see fit to adopt with the view of securing the Ryots." It also states that it "was unquestionably competent to the Government in fixing its own demand, to fix also the rates at which the Malgúzar was to make his collections," and with regard to the remedial measures it opines that "it is not so easy to come to any determination, for the evil exhibits itself in a vast variety of forms and in a countless number of individual cases. Much good, however, will result from the distinct declaration of the principle, and means being now taken regularly to record the result of judicial decisions with reference to the mehals and villages to which they apply; we trust much information calculated to fix the Mofussil jumma bundi will thus accumulate, to which will be added the more detailed, though we fear less authentic, information of the Kanongos and Patwaris." The reply of the Court of Directors dated 10th November 1824, expresses their fullest concurrence in the views of the Bengal Government, and recommends that its design should be carried into effect. The evils flowing from the non-adjustment of the Ryotti jumma are known, seen, and acknowledged. The propriety of legislative interference is likewise admitted, though we do not see that any definite measure has as yet been proposed on the subject. The late Mr. Harrington, when a member of the Supreme Council, proposed a Regulation for the protection of the Ryots. It was drafted and circulated for consideration. On perusing the document, a number of able judicial functionaries were pleased to express apprehensions as to its inconsistency with the terms of the permanent settlement. It failed therefore to receive the impress of authority, and was quietly shelved. We are not aware of any further attention having been since directed to the subject. Among those who differed from Mr. Harrington was Mr. Alexander Ross. Though a Benthamite in his views, and a "Friend of India"—anxious at all times to do what was just and right, he maintained a doctrine to which we can never subscribe. It was "that the Ryots in Bengal have no rights, and never had any!" We need not recapitulate what we have already said on this point. Suffice it to say that if the ancient laws, history, and practice be consulted, such a dogma can never be maintained. The result of the non-ascertainment of the Ryotti jumma, is that any

Zemindar, Talúkdar, Putnidar, or Kotkinadar, can raise the rent of the Ryots, if they do not hold Pottahs, or if the Pottahs be *miadi*. When the Ryots do not submit to the enhanced jumma, the course left to the imposer of it is simple. He institutes a suit for the increase of jumma; and the evidence of two or three witnesses, who can be easily purchased, will substantiate that the rate paid by the defendant is under the *mathar* (local rate) and secure a verdict against him. No argumentation—no contention on the part of the Ryot, that the land, if it ought to be assessed at a higher jumma, owes its improvement to his labor and capital, or that he has been holding it at that rate for many years, will alter the aspect of the question. What a serious drawback this is against the improvement of land and the security of property! It is well known that Pottahs and Kobúleats are not in every case exchanged, although stringent regulations have been enacted for the purpose. And there is therefore no difficulty in the imposition of higher jummas, in the absence of Pottahs, or after the expiration of the period stipulated by them. This observation is applicable to estates which do not change hands. The Ryots of those which are sold for arrears of revenue, suffer greater hardship, owing to the idea of *property* being associated with *purchase*. The auction purchaser of an estate is considered as its *de facto* and *de jure* proprietor, and he, in consequence, not only imposes new rates upon his Ryots, but arbitrarily ousts them whenever he likes. He claims this as his right, and it has been recognised by courts of justice. The Ryots, to quote the evidence of Mr. Mill given before the Select Committee in 1830, “are mere tenants at will of the Zemindars in the permanently settled Provinces.” Their rights, as affected by the sale of the estates to which they belonged, had been inquired into. The reports obtained from the Judges and Collectors, were marked by diversity of sentiment. But it was found and admitted by the Bengal Government, “that the rights of the Ryots in Bengal under the operation of the Permanent Settlement, had passed away *sub silentio*.” There has been no modification in the powers exercised by auction purchasers. They now receive estates free from all incumbrances, and the engagements of former proprietors are not entirely binding on them. The tenures excepted from the increase of jumma are such as are not held by the majority of the Ryots, and they do not therefore benefit by the exception.\* Even those which are excepted, cannot always be safe; as the conditions annexed

\* Vide Acts XII. of 1841 and I. of 1845.

to them may at any time be shown otherwise than what they ought to be. The Nilamdars are also known to cause new surveys to be made of the Zemindaris. Although there are Ryots who hold *toufir* lands for which no rent is paid, and to whom a survey is a subject of dread, yet the manner in which it is carried on, cannot but be hurtful to the rights of many. The fraud practised in this respect has been so great, that "Ryots have been known to consent to the doubling of their rates upon a stipulation for a fair measurement." The consequence from such a state of insecurity is that the embarkation of capital in the improvement of land is prevented, agriculture discouraged, Ryots oppressed, and their degraded condition perpetuated.

The father of the Permanent Settlement never intended that the Zemindars should increase their rents; for in his minute, dated 3rd February 1790, he says, "*Whoever cultivates the land, the Zemindar can receive no more than the established rent.*" To permit him to dispossess one cultivator for the sole purpose of giving the land to another, would be vesting him with a power to commit a wanton act of oppression:" and in the very face of this minute—in defiance of the opinions strongly expressed by officers who spent years in this country—in utter violation of the principles of justice, the purchasers of Zemindaris are allowed to exercise an authority which they cannot claim upon any ground of right, and which is productive of most mischievous consequences to the rural community. To those who are familiar with Mofussil scenes, this remark will recall many of them to their remembrance. The Ryot who lives to day in the enjoyment of his home and hearth—busied in thoughts of his harvest and granary, his cattle and ploughs, his wife and children, may be in the very same week, deprived of all. He rises next morning to attend to the economy of his *Khet*, and is thunder-struck with the notice of the *Nilamdar* demanding an increase of rent with the alternative of ejection. No plea, however grounded upon prescriptive right, will extricate him from the difficulty. He is dragged before the Nilamdar, who harangues on the justness of his claim as the lord of the whole estate, and on the impropriety of hesitation to comply with his demand. The companions of the Nilamdar, sitting around to fawn and flatter his vanity, of course nod assent. The Naibs and Gomastas exhaust threats and abuses, in which they are often joined by the Nilamdar. If the Ryot submit to the demand, he is required to execute a *Kobúleat*, and here the curtain drops. In the event of his hesitating to do so, he has to suffer the rigor and abuse of Regulation V.

of 1812. The notice of distress is often not stuck at his house and the *Forosh Amín* is bred to make the sale a *sudden affair*: on the appointed day, the Paiks, Munduls, Gomastas, headed by the *Forosh Amín*, surround the Ryots' house with *dhols* beating at intervals. The villagers congregate, muttering among themselves, "this is the fate of friend ———— for non-compliance with the Nilamdar's demand; we must not incur his displeasure by following such a course. He is rich, we are poor, what can we do?" The *Forosh Amín*, who in nine cases out of ten is a creature of the Nilamdar, commences the proceedings of the day. The goods and chattels are sold, and the proceeds handed over to the Nilamdar. If the sum realized by the sale, falls short of the claim, and the Ryot be a proprietor or Mokaroridar, his land or tenure is eventually sold; and he is thus reduced to a state of beggary.

It is now high time that measures should be adopted for limiting the rates of rent paid by the Ryots. This is what justice and humanity require. The welfare of a vast population, who form the very sinews of a country, is its direct and positive welfare. Promote their well-being, and the well-being of the country is promoted. In urging this point, we need scarcely have recourse to any demonstration. It is self-evident, and possesses axiomatic cogency. Now the question is, what measures ought to be taken for the attainment of this end. The establishment of a *nerik bundi*, or the correct ascertainment of the maximum and minimum rates of rent of every description of land, according to its qualities, in every village, is a great desideratum. But the institution of such a statistical inquiry is attended with great delay and expense. And it is to be doubted whether the object will be fully attained by such a course. Detailed and minute surveys have, in several parts of India, proved failures. They "tend rather to increase than diminish the irregularities of assessment," and the "safest guide in fixing the assessment, is the actual produce and collection of former years." The procedure therefore is simple. The existing rates of rent of every field, unless complained of as being high by the Ryot, or low by the Zemindar, should be declared fixed for 20 or 30 years. In cases where such complaints are preferred, they should be adjudicated on the spot, and the correct rate ascertained. Although the rent now paid is generally high; yet it is better that it should be permanently limited, than left undefined and open to arbitrary increase. In some places it is really exorbitant, and ought to be reduced. Rammohun Roy says "I regret



to say that in some parts of these provinces, the rent is already raised so high, that even an interdict against further increase cannot afford the Ryots (cultivators) any relief or comfort ; consequently the Government might endeavour to raise part of its revenue by taxes on luxuries, and such articles of use and consumption as are not necessities of life, and make a proportionate deduction in the rents of the cultivators and in the revenues of the *Zamindars* to whom the lands belong." The adjustment of the *nerik* ought to be effected by a respectable class of officers, such as Deputy Collectors. The imposition of such a task upon uneducated and unprincipled functionaries, as *Amíns*, will be a regular "pound-foolish and penny-wise" measure, and they by their proceedings, in which they will be mainly guided by motives of self-interest, will make bad worse. The instruction which ought to be impressed upon the settlement officers is, that in cases where sufficient data are wanting, it will be better "to err on the side of lenity." Over-assessment is a great *incubus* and bane to improvement. In the directions for settlement officers promulgated under the authority of the Lieutenant Governor, it is very justly inculcated that "over-assessment discourages the people and demoralizes them, by driving them to unworthy shifts and expedients ; and it also prevents the accumulation of capital, and dries up the resources of the country. Viewing the question simply in a financial light, an assessment which presses hard upon the people, is most injurious. It checks the population, affects the Police, and is felt in the excise, in the stamps and in the customs. It is evident that the prosperity of the people, and the best interests of the Government, are inseparably bound up together."

The unsettlement of the rent paid by the Ryot is not the only grievance under which he labors. This no doubt materially detracts from his security in the enjoyment of property, and necessarily prevents that undivided and hearty application to the improvement of the land which would otherwise be given. But there is another evil in the Zemindari system of an equally, if not of a more, serious nature, operating prejudicially on rural interests. The evil we allude to, is the imposition of cesses or abwabs by the Zemindars upon the Ryots. This practice, if it at all existed under the Hindu administration, was carried on to so small an extent that its operation appears to have met with no notice. But after the sovereign power was grasped by the followers of Mahommed, the practice of exacting cesses gradually grew and strengthened with the growth and strength of modern oppression. The emperor imposed abwabs upon the

Subadars, the Subadars upon the Zemindar Talúkdars, the Zemindar Talúkdars upon the district Zemindars, the district Zemindars upon the village Zemindars, and the village Zemindars upon the Ryots. And it is the Ryots, and the Ryots alone, who suffer most from the hydraulic press of exaction. What Governor Verelst said in 1769, regarding the Bengal Ryot, is fully applicable to his present state, "The truth," says he, "cannot be doubted, that the poor and industrious is taxed by the Zemindar or collector for every extravagance that avarice, ambition, pride, vanity or other intemperance may lead him to, over and above what is generally deemed the establishnd rate of his rent. If he is to be married, a child born, honors conferred, luxury indulged; Nuzzuranas (presents) or fines are exacted; even for his own misconduct, all must be paid by the Ryot: and what heightens the distressful scene, the more opulent, who can better obtain redress for imposition, escape, while the weaker are obliged to submit." After the conclusion of the Permanent Settlement it was enacted that all cesses should be revised and consolidated in the engagements to be entered into by the Ryots, and no additional abwabs\* imposed, under a penalty of three times the amount. But the enactment has been a dead letter. The Zemindars impose any abwabs they please. The practice of making exactions from the Ryot by the Zemindar and his Amlas, had become so great that the Judges and Magistrates were called on in 1809 to report on the state of their respective districts. The account given by them clearly demonstrated that the Ryot was in an unprotected and helpless condition. The instances were numerous, and the imposition of cesses had established and enlarged itself as a *system*—indestructible and strong, and impregnable as an "adamantine rock." The abwabs are imposed in very many forms, all depending upon the will of the Zemindar. In some places, they are paid in kind. On the occasions of certain festivals and ceremonies, calls are made upon the whole industrial community. The milkman gives his milk; the oilman his oil; the weaver his clothes; the confectioner his sweetmeats; the fisherman his fish; and in fact every craft has to bear the pressure more or less. Those who are respectable escape. They often cannot be taxed, but not so the poorer class. They must pay in kind or specie whenever they are ordered. Dr. Buchanan, in his Eastern India, says that in Púrnya these illegal charges "raise the rents three-tenths

\* We believe the scwai collections such as Julkar, Bonekar, Fulkar, &c. are excepted.

more than the engagement," and that the Hakimi price (paid by Zemindars, &c.) for almost every thing, is much less than the amount paid by the Grihasta. Mr. Piddington, in his reply to the queries circulated by the Sudar Board of Revenue says, "I fear to be discredited when I state that from 20 to 40 per cent. on the actual jumwabundi (Regal Lent) is yearly extorted from the poor Ryot." "The abwabs are not in all places collected with reference to the rental. In some places they amount to one-sixteenth, in some places one-eighth, in some places one-fourth, in some places half, in some places they come up fully to, and in some exceed the jumma! In some places they may be less than one-sixteenth. The leading abwabs are (1) *Talubsúd* or interest on the rents over due, (2) *Salami* or fine paid for every Pottah, and on the occasion of *Púnjaha* or the first day of collection, (3) *Mangun* or contribution for defraying expense of a festival, *sradha*, marriage, &c., (4) *Mathút* for meeting the expense of embankments and bribing Darogahs, &c. (5) *Chout*, one-fourth of the consideration money of the land for effecting the transfer of name in the Zemindari records, (6) *Maracha* tax upon every marriage, (7) *Bhatti* paid by the parents, &c. of the bridegroom, (8) *Baja Adya* for committing improper acts, such as affrays, carrying on criminal intercourse, causing abortions, &c. (9) *Ghorsí Mangun* or contribution from the under tenants, (10) *Dhúlut* paid by parties who make purchases in the Zemindari. The Zemindars take cognizance of civil and criminal cases in their Zemindaris, although prohibited by law, and exercise the powers of judges and magistrates. The Ryots submit to their decision in consequence of the inefficacy of the judiciary institutions, and the great expense and trouble in resorting to them. The Zemindars are said to be more lenient in the impositions of the abwabs, than the Putnidars and the Kotkinadars or their respective successive grades who show no leniency. Whether the Ryots are well off or not, is no object with them. They must screw what they can." They feel no interest in the improvement of the Zemindari.

In Bengal the purchase of a Zemindari is a sort of speculation, and looked upon as the goose giving golden eggs every day. It must either be farmed at a good profit, or placed in the charge of a collector who becomes the *de facto* Zemindar. Few, very few Zemindars, reside in their Zemindaris. Some of them spend their days and nights in their closets, doing actually nothing in the world. Some live in this city in the capacity of banians to mercantile adventurers, to whom they advance thousands and lakhs of rupees. These gentlemen cease not to

heap upon their *Saheb* adulatory expressions. They do not attentively observe how the *Saheb* spends their money—how much he makes—how much he consumes,—how much he accumulates. Extravagance and luxury, are daily practised at their cost—their claim swells out at last to a large sum, but only upon paper; and they have then the misfortune to see their names in the schedule. They then go to an attorney, who hears the often told tale. The narration is closed. He sinks into his easy chair to cogitate. He opens his eyes and says “I do not see any remedy—you must prove fraud if you oppose.” The parties seeking this advice find themselves *lachar* and “homeward plod their weary way,” while the *Saheb* goes through certain forms, and is “discharged.” He again wants a *banian* and performs scene second of his first act. There are some Zemindars who are fond of connecting themselves with civilians, and lend them any sums of money they require. They study to please them. They hesitate not to take off their shoes, to bend and attitudinize themselves, to fold their hands and clothe their address in a flourish of *orientalisms*. They aim at serving the civilians, so as to render them instrumental in the promotion of their interests. Such is the way in which the Zemindars make themselves aliens to the internal economy of their Zemindaries. Ask them questions as to the agricultural, manufacturing, or fiscal statistics of their estates, and the answer is sure to be that their *naibs* know every thing about the matter. It is to be questioned whether they even minutely look into the accounts rendered by their collectors. They are fond of ease, and are not at all times accessible to their *Ryots*. If petitions complaining of, or praying for, any thing be presented with *nuzzuranas*, they are not seldom referred to the *Dewan*, the head officer of the house, who participates in the gains of the *naib*, and disposes of the matter as he feels influenced.

In every Zemindari there is a *naib* or head-collector, generally in the receipt of 6 to 16 Rs. a month. In large Zemindaris the emolument allowed is greater. The *naib* is generally a man of narrow and limited ideas. His proficiency consists in a thorough knowledge of revenue accounts, and in rustic eloquence, so necessary for the purposes of collection. He exacts a *hisabana* or perquisite for adjusting accounts annually at so much on every rupee he collects—say six pie to one anna. He also takes a share of the *abwabs* levied for settling disputes, licencing marriages, *shradhs*, hushing up abortions, making *kharaj dakhil*, &c. A Zemindari is generally divided into *chucks*. Those which are far from the *Kacheri bari*, where the *naib* resides, are in the charge of *gomastas* who are subor-

dinate to him. They receive from three to six Rupees per month, and take similar perquisites and abwabs from the Ryots of the *chuks* forming their jurisdiction. They pay a certain sum annually to the naib and sometimes share with him in *bajaadya*. The Paiks, or the collecting peons sent to summon defaulting Ryots, charge them three or four annas per day. In some Zemindaris the Paiks are remunerated by such *Tulu-bana*, amounting to 2 or 3 Rs. a month, and get nothing from the Zemindar. In addition to these abwabs, the Naibs, Gomastas, and Paiks often take from the Ryots any articles they can get hold of, whether growing in the Khet, or on the thatch,—whether prepared at home or caught from the pond. There is a degree of awe in the demand of a Zemindari Amla. If it is once made, compliance must follow almost with the rapidity of lightning, or it will prove “a direful spring of woes unnumbered.” The practice of taking abwabs, pervades the whole frame of the Zemindari system. In giving sunuds, or orders of appointment, the Zemindars take a salami from the Naib, and the Naib from the Gomastas. On the occasion of the Dúrga Púja, the Naib and Gomastas pay a certain *parbani* to the Zemindar and to the officers and servants of his house. These are known practises, but they tell sadly on the comfort and well being of the Ryots. It was stated in 1830 in parliamentary evidence, that one-third of Bengal was in a cultivated, one-third in an uncultivated, and one-third in an intermediate state. Cultivation may have since increased, but it is to be attributed more to the exertions of the Ryots than those of the Zemindars. If the Ryots had not been oppressed, wrung and ground down, many a jungle now teeming with ferocious beasts would have been converted into a scene of smiling plenty, and the country would have gained in prosperity and happiness.

The grievances under which the Ryot labors do not solely and wholly arise from the Zemindari institutions. He is often harassed and oppressed by Indigo Planters and always by Police men. We have before us a vast mass of materials as to the relations that subsist between the Indigo Planters and the Ryots. These we had intended to include in this article; but the whole subject is so large, and withal so important, that we reserve it for full and separate treatment, which we intend ere long to give it. As for the oppression endured by the Ryots in consequence of the imperfect system of police, the subject has been so fully treated of in previous numbers, that we have only to refer the reader to the article on “the Rural population of Bengal” in No. I., and that on the “Administration of Crimi-

nal Justice" in No. XI., in which he will find enough to awaken or deepen his sympathy on behalf of the suffering ryot.

In respect to the administration of civil justice, there has been some improvement. The comprehensive mind of Bentinck distinctly saw that the interests of the country would be promoted by the employment of efficient native agency. In coming to this determination, he had not only the welfare of the people at his heart, but perceived clearly by the force of rational evidence that the natives, in point of local knowledge and that of their own languages, must be superior to any foreigners. He hesitated not to give effect to his determination: for in 1831, he created the offices of Munsiffs, Sudar Amíns, and Principal Sudar Amíns. And the result of the experiment, if not very brilliant, yet sufficed to demonstrate the justness of Lord William's views, and the sound principles on which they are founded. That the natives are capable of becoming efficient in the discharge of their judicial functions, is now an universally admitted fact. They are, in some respects, specially useful. The people feel no hesitation in approaching them, and making their representations with that freedom of speech which can scarcely be allowed in the court of a covenanted civilian. The native judges require no aid to penetrate into the state of things, or to understand the language of the parties. The poorer classes tremble to appear before covenanted officers, who, in consequence of their being foreigners, must be more or less guided by the amlas, whose miserably poor allowance tempts them almost always to support the party who bribes them most, while their half smothered consciences make no effectual resistance. In the list of those who advocated the employment of native agency, the names of Metcalfe, Munro, Malcolm, Elphinstone, Rickards, Strachey, Shore, Ross, and a host of illustrious persons will be found. The reports of the highest appellate courts here and at Allahabad bear concurrent testimony. The Sudar Dewani Adálat and the Bengal Government have gone so far as to pronounce Principal Sudar Amíns superior, for ordinary purposes, to district judges. And in the face of such powerful evidence, and in apparent defiance of a clause of the last charter, it is to be deeply regretted that there should still be a restriction on the farther promotion of native judges. If the interests of the country are to be served, the line of demarcation which now exists between the covenanted and the uncovenanted, must be *gradually* broken down, as properly qualified candidates increase in number. The people of India cannot form a high opinion of the *sincerity* of their enlightened rulers, with respect to their determination and decision

in carrying out what they profess, if there be not a steady onward progression. The question of giving effect to the 87th section of the last charter has been more than once mooted by Mr. Sullivan at the Court of Proprietors of the East India Stock; and his arguments were invincible—equity, economy and the good of India. But nothing decisive has been done. While we hope the intelligent community of this country will not lose sight of the subject, and continue to urge on the authorities in England the propriety of giving full ultimate effect to the above section,—we hope, at the same time, that the respectable natives of this land will not forget, that a rapid increase in the number of those who prove themselves qualified alike by intelligence, integrity, and moral character, will be one of the surest means of accelerating the period of the desired consummation.

The appointment and multiplication of native judges and collectors at liberal salaries, and the gradual increase of their original and appellate jurisdiction, are calculated to further the cause of justice. But this is not the only means of making the way to the recovery of right and redress of wrong unclogged and smooth. The emoluments of the ministerial officers should be raised, and the procedure so revised and simplified as not to allow the opprobrium of “law’s delay” being attached to any court. The stamp duty on judicial proceedings should be entirely abolished. The mischievousness of such taxes is no longer disputed. When the powerful “Protest” of Jeremy Bentham appeared, it overwhelmed the mind of Pitt with the conviction that law-taxes were detrimental to the dispensation of justice; and the consequence was that they were abolished. That the stamp duty on law papers is more prejudicial in its effects to the good and poor than to the wicked and rich, or to quote the words of a political economist, “a tax upon justice and therefore a premium upon injustice,” can be easily understood. Litigation, or in other words, frivolous and vexatious suits, instead of being checked, are promoted by such taxes; and the poorer classes are shut out from the door of justice. We are glad to find that law taxes have already met with the attention of the high authorities here. And we now hope that they will be done away with—more especially as this advantage has been given to native officers and soldiers by Act 15. of 1845. The law commissioners in their letter to the Board of Customs, Salt and Opium, dated 22nd April 1836, say “the Commissioners entertain great objections to the imposition of stamp duties upon legal proceedings.” Mr. A. Ross, in his minute, dated 14th September 1837, speaking of a draft act relative to stamp duty, ex-

presses himself as follows :—“ This section continues the stamp duties on law papers and on judicial proceedings. I have already, on more than one occasion, recorded my opinion against such duties ; and I repeat that I think them objectionable, as being calculated to prevent the due administration of justice—and consequently to retard the improvement of the country by discouraging the outlay of capital.” The opinion expressed by Earl Auckland is also deserving of notice. “ These stamps,” (meaning judicial stamps) says his Lordship, “ appear to me to be wrong, as every thing must be which impedes the operation of the law, and makes the redress of injury and the attainment of right costly and difficult.”

The net revenue arising from stamp duties in 1839-40 is 1,988,807 Rs. Perhaps half of this amount arises from the imposition of the tax upon legal proceedings. If asking for the abolition of this tax, the question naturally put is, how is the loss to be compensated ? Our answer is, that, as in the ancient Hindu judicial practice, a certain fine should be imposed upon the party cast, and that it should be realized in a summary way. The only objection is, that in certain cases Government may not be able to realize this fine ; but this is equally applicable to suitors in whose favor decrees are given. The non-realization of costs is to them a greater hardship, because it is superadded to the trouble and the injury they have already suffered. If there be any loss, which under efficient management can rarely occur, it is better that it should be borne by Government than by private individuals.

The object of enacting Regulations 7 of 1799, and 5 of 1812, commonly called Huftam and Punjam Regulations, is to enable the Zemindar to realize his rents from the defaulting Ryots in a summary way, that he may sustain no inconvenience in the payment of his malguzari to Government. But, like every thing else, they have their abuses ; and have been rendered instruments of great oppression to the peasantry. The abuses arise in great measure from the character of the Zemindars and the Indigo Planters who take putnis and ijarahs, and the machinery employed for enforcing the regulations in question. It appears to us that these abuses will in a great measure be checked, if the collectors be strict and vigilant in the performance of their duties, and the *Forosh* Amíns employed in selling distrained goods be a better class of men. On the institution of a huftam suit no order ought to be passed for the apprehension of the defendant, unless the claim is supported by sufficient *prima facie* evidence.



A mere *ipse dixit* of a Zemindar or Planter, unaccompanied with a *kobúleat*, or other proof of the defendant's not having paid his rent, ought not to be the ground for ordering his apprehension. The *forosh* Amíns receive one anna in every rupee. They are generally men of low character and collude with the Zemindars in harassing the Ryots. A better class of men will put an end to such mal-practices.

The difficulties and drawbacks against the amelioration of the condition of the Ryot are really great. The radically wrong basis of the permanent settlement—the grinding consequence of the sub-letting system, and uncertainty of the tenure arising from the unadjustment of the *nerik*—the pernicious effect of the *mahajani* system—the imposition of the Zemindari and Naibi abwabs—the oppression of the Zemindar or his agent—the extortions of the executive Police—the too general inefficiency and apathy of the administrative authorities—the venality of the ministerial officers—the defectiveness of the adjective law—the bad influence of taxes upon legal proceedings,—the abuses of the Huftam and Panjam Regulations, and the tyranny of many Indigo Planters\* are calculated to perpetuate the degraded condition of the rural population. To whatever part of Bengal we may go, the Ryot will be found, to use the language of the Court of Directors, “to live all his days on rice, and to go covered with a slight cotton cloth.” The profits which he makes are consumed in some way or other. The demands upon him are almost endless, and he must meet them one by one. This prevents the creation of capital, and prolongs the longevity of the Mahajani system. The districts of Bengal are noted for fertility and exuberance of crops; and if the Ryots could enjoy freedom and security, the country would exhibit a cheering spectacle. But their present condition is miserable, and appears to rouse no fellow feeling, no sympathy, in those by whom they are surrounded. The monthly expense of a Ryot is 1-8 to 3 rupees; and if he has a family, it must be proportionately higher. We do not believe that there are in all the districts five in every hundred, whose *whole* annual profits exceed one hundred rupees! The majority constitute the *natawan* class.

In many instances the earnings of a Ryot are not sufficient for his family; and his wife and sons are obliged to betake themselves to some pursuit, and assist him with all they can get. He lives generally upon coarse rice and dhol; vegetables and fish would be luxuries. His dress consists of a bit

\* As this subject has been alluded to, it has been included in this summary.

of rag and a slender chudder; his bed is composed of a coarse mat and a pillow; his habitation, a thatched roof, and his property, a plough, two bullocks, one or two lotahs and some *bijghan*. He toils "from morn to noon, from noon to dewy eve;" and despite this he is a haggard, poverty-smitten, wretched creature. This is no exaggeration; even in ordinary seasons, and under ordinary circumstances, the Ryots may often be seen "fasting for days and nights for want of food."

The inability of the Ryot to better his degraded condition, in which he has been placed by the causes we have named, is increased by his mental debasement. Unprotected, harassed and oppressed, he has been precluded from the genial rays of intellectuality. His mind is veiled in a thick gloom of ignorance. Few—very few, possess a *written* smattering of the Bengali or Persian, and the knowledge which the larger proportion may boast of, consists in the ability to read *Kobojés*. It is lamentable to behold this long reign of ignorance in Pergunnahs inhabited by thousands and hundreds of thousands of human beings; it is painful to reflect that the causes contributing to their brutalization have been allowed to exist; it is humiliating to think that the community whose land and labor replenish the exchequer of the State, have been so neglected. When we recal to our mind the state of the agricultural community—when we portray to ourselves the causes and effects of their condition—when we consider that one of the principal causes of their misery is *ignorance*,—when we reflect on these, and then on the recent educational order of Lord Hardinge—we allude to the establishment of one hundred and one vernacular schools,—how grateful we feel for this harbinger of brighter days! How pleasing it is to think that the noble lord now at the helm of the Government is anxious to promote education in the interior, with the avowed object of bettering the condition of the rural population.\* The glory acquired by military exploits sheds on the achiever no ordinary renown; the lofty magnanimity of the soldier excites applause and admiration. He marches and fights at the cannon's mouth. The valor and intrepidity which he displays, and the trophies and victories which he wins, bring laurels to his brows, and

\* In a letter from the Bengal Government, No. 107, dated 5th February 1845, to the Bengal British India Society, it is stated "His excellency fully concurs in the view which the Society have taken as to the main causes of the present depressed state of the agricultural population; and will be mainly guided by the result of the experiment, now in progress, in determining upon the propriety of soliciting the Supreme Government for further aid, in prosecution of a plan calculated, his excellency believes, effectually to promote the object which the Society has in view."

brighten his name with the halo of heroism. But the glory achieved by those who advance the *moral dominion of God*, dazzles and eclipses all earthly honors. It is imperishable and everlasting. With the qualities, which Lord Hardinge possesses, of a soldier, he appears to combine the virtues of the promoter of peace and happiness. The stress which he places on education is great. And we shall rejoice to see his views and intentions carried out in a more liberal and enlightened manner than they have hitherto been.

It is our belief that in districts far from this city, the Ryots possess greater simplicity and good nature than those in its neighborhood. In places contiguous to the city they appear to have acquired many vices. The complaints made against them are that they forge Kobojes, break their agreements with Indigo planters, evade payment of Khajana, and make *Dharma Ghut* or combine *en masse* not to pay rent to the Zemindar, who in consequence is necessitated to institute against every one of them *huf tam* or *panjam* suits, which entails on him delay and expense, and obliges him to raise money from other sources for the payment of his *malguzari* to Government. This leads to continued wrangling and fighting between them and the Zemindar, who, in such cases, often brings false suits against the leading members of the *Dharma Ghut*, and is incited to make an example of them by any means he can think of. Some of the Zemindars have forgers at their command, and on such occasions the services of those skilful men are sure to be at a high premium. As for witnesses, they are "multitudinous as the leaves of Vallambrosa," so that one rupee a head is almost a fixed price. The court Amlas receive *parvanis* or annual presents from the Zemindar; and special fees in such cases are and must be the sure means of ensuing triumph over the opposite party. And, with such an amount of armory and ammunition, the Zemindar will, in nine cases out of ten, obtain the verdict, despite the sagacity of the judges, who must form opinions from what is *judicially* before them. When the cases are tried on appeal by European Judges, the Amlas are of course not put to much trouble on account of the Zemindar. A few words, and the decree is affirmed,—the party cast or his Vakíl buckles on his armour, and exclaiming *Dohaye Saheb—Dohaye Saheb*, endeavours to address again with folded hands. *Bus,—bus—ho choka*, says the Saheb. The chorus of Amlas cry out—"what have you to say?—the decision has been very just." And the Vakíl of the victorious party, thrilling with anticipations of *baksis*, plays his part by saying to the Saheb, "*may you be the Governor—you are distributing justice like Nowsharoah.*" There

are some Zemindars to whom a *Dharma Ghut* may be a source of ruin. They have neither the means of paying *mulgúzari* to Government, nor the power to make an example of their wicked Ryots in a *proper* way. The Ryots who make *Dharma Ghut*, or who are wickedly disposed, institute false criminal prosecutions against the Zemindars or their *Gomastas* to evade payment of *khajana* and put them to annoyance. Some of them appear as prosecutors, and some as witnesses, and thus they succeed in harassing the Zemindars. There are other ways in which the Zemindars are put to trouble and expense. A Ryot is summoned for the payment of his rent. If he do not pay the instalment due by him, he is generally detained at the Kacheri under the impression that he has with him the money, which he does not wish to part with easily, or that the money will be sent by his family. It is said that the Ryots, unless harshly treated, do not always pay their rent; and we believe this is sadly true in some instances. In the event of a Ryot being detained at the Kacheri, his relatives apply to the Darogah for his liberation. The Darogah, on the receipt of such an application, sends one of his underlings to the Kacheri and apprehends the Amlas; collection is thus suspended. Other wicked persons are emboldened to pursue the same line of conduct, to put off or evade payment of rent, and the Zemindar is put to some trouble. He must bribe the Darogah, or fight his battle in the Magistrate's Court. The practice of braving the Zemindars, and defrauding them of their just dues under the cloak of religion is wearing away, if indeed it ever existed to any considerable extent. At one time, it was said that some wicked and illiterate Ryots, thinking that their connection with the missionaries would raise their influence, and enable them to make it the means of their subsistence, flocked to be admitted into the *mandali*. Although the precepts which they heard, inculcated *love to God* and *love to man*, yet those whose intentions were not honest carried on practices of a diametrically opposite nature. They not only invaded and violated the rights of others, but plundered them in broad day light. These mal-practices of the *bhayi-lok*, if they ever existed, have been completely, or all but completely, checked. Of those who have embraced the Christian religion there are some who, although not enlightened or large minded, lead a good and peaceful life, and are well spoken of.

Such are the grievances under which the Zemindars are said to labor. The plea of some of them, is, that they are forced to pursue the line of conduct they now do, in consequence of the wickedness of their Ryots; whom nothing but coercion can

keep in order. This may be true in some instances. It cannot be expected that the Ryots, unlettered and unenlightened as they are, will in every part of the country maintain at all times a right and just behaviour. But this can be no justification for the exercise of oppression over them. If they are dishonest and wicked, why not have recourse to law for their punishment? If there is any dilatoriness in obtaining redress, why not petition for the simplification of the procedure? A continued warfare is the bane of all improvement. Litigation is the last step that ought to be resorted to. Rebellion, checked by lawful chastisement, cannot last long, if the causes of dissatisfaction be removed. The cultivation of amity is of the highest importance. To live in peace is to live in glory.

The lamentable state of things obtaining in the mofussil, detrimental as it is to the agricultural, intellectual and moral improvement of the country, is chiefly ascribable to the ignorance of their duties and interests on the part of the Zemindars and Ryots, the inefficiency of the Police and Judiciary institutions. The evils we have adverted to are of a crying nature, and imperatively need reform. The colossal fabric of wickedness, misery and degradation, has been rearing itself for years in this benighted land. Its hoary antiquity and gigantic dimensions ought not to be allowed to defy the application of measures calculated to effect its subversion. The force required for the purpose must not be expected from one source. It is not by a single agency that such a work can be effectuated; and the exertions should be strenuous—combined—simultaneous—unceasing. We require the aid of legislation—the panacea of education—and the steady, cordial and influential co-operation of a sympathising and generous community. Although the errors which were committed in the early part of the British administration, and which seriously affected the rights of the ryots, cannot now be remedied, yet means are not altogether wanting for the amelioration of their condition. We have reason to hope that we have in Lord Hardinge a warm friend of improvement; and sympathy for the sufferings of the Bengal peasantry is growing warm here and in England. We therefore venture to submit for the consideration of Government the following remedial measures.

The Putni and all systems of subdivision and rack-renting, which are so palpably and confessedly injurious to agricultural interests, ought to be done away with. The Government is in no way pledged to allow their continuance.

The *nerik* question ought no longer to be left unsettled. By the agency of educated natives as Deputy Collectors, let

the existing rates obtaining in different districts and pergunnahs be revised and settled in perpetuity. In all places where the rent is high, it ought to be rendered light; and this cannot be an infringement on the Permanent Settlement, the object of which is to limit the *malgúzari* paid by the Zemindars. The execution of this work is no doubt attended with great difficulty, but it cannot be unfeasible if honest and intelligent agency be employed. The litigation and mischief which have resulted from the unsettlement of the rate of rent payable by the Ryot to the Zemindar have been great. The settlement of it, even now, will prove a blessing. It will afford greater security to the Ryot, and enlarge the sphere of his exertions. The powers of auction-purchasers ought to be abridged. They ought not to be allowed to increase the rents and eject those who are not tenants at will. Ryots whether *Khodkhasta* or *Paikhasta*, holding lands for a certain number of years, ought to be protected. Many Ryots take pottahs for a limited period in the first instance, with the view to have them converted into *Mourosi* after they have acquired the means of cultivation. What security can they have in making any outlay, if they are liable to ejectment on the sale of the Zemindari? Many of the Zemindars become intentionally defaulters, and are *benami* purchasers of their Zemindaris with the view of increasing the jumma of their Ryots.

The rules prohibitory of the imposition of *abwabs* ought to be rigorously enforced. There are some Zemindars who collect them as *rent*.

Means should be taken for the establishment of village registry offices, and facilities afforded for the registration of pottahs and *kobúleats* in those offices. The exchange of those instruments should be made obligatory.

In large Indigo districts there ought to be several Deputy Magistrates. Their jurisdiction ought to be limited, that they may be able to exercise strict and efficient supervision over the *thanadari* and *choukídari* establishments. It should be their duty to make annual circuits in every village, and institute searching inquiries as to the state of watch and ward, the efficiency and conduct of policemen, and the character of the different classes of people. The result of this investigation ought to be embodied in annual Reports to the Superintendent of Police, with such suggestions as may be necessary for the removal of the evils that may be found.

The system of *Punchayats* might be resuscitated in every village. This is a useful institution; and the people should be encouraged to refer all petty complaints for arbitration

to that tribunal. It is a great object to allow the poor people to enjoy the blessings of justice at their door. Time to them is livelihood; and they alone can feel the *loss* they suffer from journeying miles after miles to dance attendance at the Adálat for the adjudication of complaints of every description. The more all matters in dispute are settled by the established Panchayat, or by private arbitration, the better. Judiciary institutions, however efficient, tell seriously on their time. It is to be regretted that the ancient municipal corporation has been swept away or fallen into disuse. The Zemindars and Talúkdars now stand in the room of village and district chiefs. But there are now no village or district registers. The municipality has been dissolved, and the bond of fraternization which existed before, has been torn asunder. The system of land revenue has undergone so great a change, and exaction constitutes so prominent a feature of it, that it is questionable whether the revival of their institution, if practicable, will be attended with any good. The Munduls, instead of being the representatives of the people, will be their oppressors. It is the Zemindars alone who can prevent this oppression, and introduce self government. But there is no prospect of their doing so immediately, and thus bringing about the ancient system of revenue administration—so congenial with the habits of the people, and so beneficial to them in many respects. It is evident therefore that we want a better class of Zemindars.

The procedure of the civil and criminal courts ought to be simplified, that justice may be accessible to the poor with the least possible delay and expense. One great anomaly in Mofussil courts, is, that the evidence is not taken by the judicial officers themselves. It is of the highest importance that all witnesses should be examined in the presence of these functionaries, as a great deal depends upon the *manner* in which evidence is given. The Judges and Magistrates have now to decide from the evidence taken by their *Amlas* in the presence of Vakíls of both parties. There can be no question that the ends of justice will be better promoted by following a different procedure. There is not only no regularity or method when depositions are taken, owing to the absence of a presiding officer, but a great deal must be left unelicited. The *Jubanbundi* Amla is bribed by one party or other; and it is his interest to favor him most, from whom he has received most. His dexterity in giving a *twist* and *turn* to statements is well known, and is brought into play, despite the vigilance or clamorous protestations of the Vakíl of the party against whom

he is armed. In connection with this subject we must again say that the miserable pittance allowed to ministerial officers is in no way sufficient to remove the temptation of being dishonest. To ask men to do the duties of the registrar, sheriff, accountant and treasurer, at salaries allowed to common sirkars, is but holding out a premium upon corruption. The writers who served in the days of Clive and Hastings, and in subsequent years, are known to have taken "diverse sums of money" as perquisites and douceurs. Those who held highest appointments were not excepted. But what is it that has brought about a reformation? Adequate remuneration and better control. If we wish for the same end, we ought to apply the same means.

The Law taxes ought to be abolished, and the party cast should be adjudged to pay the costs—discretion being of course left to the Judges.

There ought to be some caution and strictness in the enforcement of the Huftum and Punjam Regulations—that the abuses to which they are now liable may be prevented.

We repeat that we view with favour the recent *vernacular* educational movement. As the multiplication of vernacular schools will in a great measure depend upon the success of those which are being established, we think the experiment will be fairly made if provision be made for ensuring proper *inspection* as well as tuition. The collectors have so much to do that they can hardly be expected to supervise the schools. It is therefore necessary that all the vernacular schools should be placed under the superintendence of one or more inspectors possessing a thorough knowledge of the native languages. The appointment of such officers is so necessary for the success of the vernacular schools, that the expense ought not to be grudged. Supervision over Educational Institutions ought never to be made a secondary duty. It ought to be primary and conjoined with no other.

Speaking of vernacular education, we are reminded of another desideratum—the want of books. The Bengali literature is comparatively poor and uncultivated; with the exception of the writings of Bhárat Chandra, the literary courtier of Rajah Krishnachandra, and of the illustrious Rammohun Roy, there are hardly any books which can be held up as models of elegant composition. Whether the language is primitive or derivative, is a question which we are not disposed at this moment to discuss. But it is evident that it owes its improvement principally to the Sanskrit language. Although the number of Bengali books is now greater than



it was some years ago, yet we do not think there is any department which has been rendered complete. Indeed the student is at a stand for books after he has gone through the elementary course. We trust that every encouragement will be held out to the publication of good Bengali books. Nothing can be more desirable than conveying to the people of this country all the ideas that have a tendency to elevate the mind. This will promote the cause of popular instruction. The education of the Ryot and of the Zemindar ought to go on hand in hand. The Vernacular schools are intended for the former, and the English ones and Colleges are for the latter. The habit of the Bengalis in practising extravagance in Pújas and Srádhas, and stinginess in the education of their children still continues. But the advantages of an English education are however appreciated. It is therefore an easy task now to have the sons of every Zemindar in Bengal educated in an English School or College. Indeed this is an object of which no local committee ought to lose sight. In all educational establishments prizes ought to be awarded for good conduct. In all schools and colleges instruction should be given in agriculture; a knowledge of this science is of great importance to every future Zemindar. It will enlarge his ideas, and put him in possession of means to do good to the country. The moral and physical aspect of his Zemindari will undergo a thorough change. He will protect his Ryots, diffuse information for their enlightenment, and hold out encouragements for improved methods of culture. He will "drain marshes, clear jungles, open mines, establish fisheries, improve the old and introduce new objects of culture, new instruments, new breeds of cattle." He will not only derive profit but pleasure from his pursuits—the pleasure of study—the pleasure of doing good to his fellow men, and the pleasure of serving his country. With the ideas of moral obligation and the love of science which will be instilled into his mind, it cannot be expected that he will tread in the footsteps of his fore-fathers, and look upon oppressive taxation as the end and object of his ambition. No—he will follow a different course. His sentiments, his feelings, his views, will be different. He will know where his happiness and the happiness of his fellow men are—their close connection, and how they should be promoted. A good moral and agricultural education is among the means of elevating the landed aristocracy, and rendering them instrumental in the improvement of the country.

These are some of the means which can be adopted by the ruling authorities. We know that the anxiety for bettering the condition of the rural class is increasing, and we entertain strong

hopes of seeing at least a movement for their cause at no distance of time. To the present class of Zemindars we should say:—It is your duty to protect your Ryots. You are more powerful and influential, and as a duty to your fellow men—to those who are committed to your care—you should at all times extend to them your helping hands. You are intellectual and moral beings, and accountable to the Creator for all your acts. You must see by the very constitution of our nature—by the analysis of what is within us—by the objects of all the faculties and feelings, that the whole system of creation is designed to be based upon benevolence. The happiness of one man is so linked with that of another, that the reciprocation of good is the most distinct and positive intention of the Lord of the Universe. We are born and destined to help and to do good to each other. Viewed in reference to this consideration, how painful your past career will appear! When you sit and catechise yourselves as to what you have done for your Ryots, how few there are that will feel the pleasure arising from the consciousness of having done their duty! But improvement, however late, is desirable. If you have any love of God; if you profess to interpret his works of creation, so eloquently speaking out his intentions,—do the duty which you owe to your fellow men. The protection of your Ryots is not only imperative on you by considerations of your duty, but also by those of your interest. The relation between you and them is close and intimate. If they are not oppressed—if they enjoy security in the fruits of their labor, if they are not unjustly taxed, they will be independent of the *mahajani* aid, and create a capital for their agricultural pursuits. This will lead to the diminution of crime; for thefts and robberies are generally committed by those who are denuded of all resources and have nothing to live upon. In estates where the sub-letting system obtains, and where the amount of oppression is great, crime is sure to be found on the increase. The enjoyment of peace and tranquillity consequent on the absence of oppression is not however the only consideration. When the ryots are well protected, they find it easier to pay your claims, even in bad seasons when there is a failure of crops, and when no indulgence is to be obtained from Government, in consequence of the nature of the Permanent Settlement. They must feel encouraged to lay out capital in the cultivation of waste lands and to the carrying out of improved modes of culture. The fields, the gardens and the meadows, will wear a smiling and enlivening aspect, and the theatre of every peasant's aspirations and exertions will be enlarged. The effects arising from the protection of the

peasantry—direct, indirect and collateral,—are innumerable. But they all tell on your welfare—the welfare of a vast population, and the welfare of the whole country. And when such is the case, will you still persevere in your unhappy career—blind to your interest and duty? Open your eyes and judge for yourselves. No king—no emperor who ruled with the iron rod of despotism could ever make himself dear to his people. What safety could such an one enjoy, whether he lived in the heart of his citadel or in the bosom of a powerful army? The ramparts of the fort, the thickness of the force, the glitter of arms and even the thundering peals of cannon could not afford that security which is to be found only in the *loyalty* of the subject. A Zemindari is in miniature a kingdom. And your endeavour ought to be to secure the good will and affection of your Ryots.\* There are innumerable ways in which this end can be furthered. Let them, in the first instance, obtain protection and justice at your hands; protection, not only against the wrongs of your Amlas but also against the atrocities of Police men and Indigo Planters. Do away with the abwabs, which produce only temporary good, but permanent harm. Assist them in the creation of capital, in making embankments, bringing out improved systems of culture, and introducing the cultivation of remunerating articles. A plentiful crop is not only productive of benefit to them, but to you, in regard to the facility of collection, cultivation of waste lands, and advantageous purchase of the article for the purposes of trade. The more intelligent your Ryots are, the better for the Zemindars. They know then how to direct their labours most advantageously; and they understand their rights, obligations and responsibilities as men. Their education, considered in an enlarged point of view, is a matter of great importance to you. In fact the more you think, the more strongly must you feel convinced that your happiness, and the happiness of your Ryots, are identified with each other; and that if you seek for the one, you must seek for the other. The promotion of your mistaken gratification at their expense is fraught with mischief. It is a violation of your duty and a sacrifice of your interest.

In order to apply to the legislature for aid from time to time, to impress on the Zemindars the necessity and utility of rendering their Ryots happy, and to enlighten the Ryots on the subject

\* We have heard of more instances than one of the Ryots having, of their own accord, raised subscriptions among themselves, to extricate their Zemindars from pecuniary difficulties. This may be quoted as a proof of one of the beneficial effects of cultivating amity with the Ryots.

of their duties and obligations, there ought to be a body constituted for the purpose. The feeling of sympathy for the people of this country is growing and strengthening, here and elsewhere. Many a native gentleman residing in the Mofussil, will be glad to assist in the exposure of the grievances under which the Ryots labor. There is at present in Calcutta "an association of intelligent Natives and Europeans,"\* instituted for ameliorating the condition of Lower Bengal. What the society here is in great need of, is the cordial co-operation of a number of well informed and well disposed Europeans and Natives, and a Corresponding Society in England. The Society thus reinforced might be rendered instrumental in the promotion of the happiness of the rural population. Those who will gather and stand firm to advance their interest—to penetrate deeply into the nature and depth of their grievances—to trace every effect to its cause—to subject every evil to the best possible remedy—those who, thus informed of the *exoterics* and *esoterics* of the Zemindari system, will carry on the work of reform—uninfluenced and undaunted—will not only have the approbation of their own consciences, but have the heart-felt blessings—of millions on millions living, and millions on millions unborn, heaped upon them. Ignorance and iniquity may for a time darken the dominion of God, but they must give way to the effulgence of knowledge and truth. Improvement is destined to roll on; and the causes interrupting its bright career, will not, cannot be perpetual. Such has been and will be the course of events. In the application and devotion of our heart and zeal to what ennoble man and extends the moral kingdom of God, we may feel assured that in every movement we make, every step that we take, we act, as it were, under providential direction:—

"Heaven's banner is o'er us."

The God of Providence smiles upon such efforts—we meet with tokens of his goodness and favour; and success sooner or later is certain.

---

\* This expression, made use of by the Bengal Government, refers to the Bengal British India Society.

ART. II.—*The Life and Services of General Lord Harris, G. C. B. during his campaigns in America, the West Indies, and India. By the Right Hon. S. R. Lushington, Private Secretary to Lord Harris, and late Governor of Madras.—Second Edition, revised. London, 1845.*

THIS is the life of an amiable man and a good soldier, written by his son-in-law and private secretary, who closed a distinguished career, in the Civil Service of the East India Company, by occupying, for some years, the chief seat in the Government of Madras. Without any skill in book-making, or much power of composition, Mr. Lushington has produced a very valuable and very interesting work. It is in no respect a finished specimen of Biography; but the very want of artifice, so apparent throughout the volume, does much to enhance the attractiveness of the work, by imparting to it a character of rugged simplicity and genuine earnestness, which stamp it with the undeniable impress of truth.

There are occasions, however, on which the reader of this Life of Lord Harris, will pause, perhaps, to express a wish that Mr. Lushington were a more accomplished artist. And assuredly he may be pardoned for such expressions, when he looks in vain at the beginning of the book for a record of the year in which Lord Harris was born; and at the end of it, for the year of his death. A tomb-stone biographer, who gives us the history of a man's life in a single line, supplies at least *that* amount of information. It is true that Mr. Lushington furnishes some data, from which the student may derive, by the aid of a not very complicated arithmetical process,—if not a very complete knowledge of these omitted facts,—at all events an approximation to it. Thus we are told that “early in 1759, a warrant of cadet in the Royal Artillery was issued to George Harris, then about fourteen years of age;”—and again, at the end of the book, the biographer informs us that Lord Harris’s “death took place in the second year after I (Mr. Lushington) left England;” and the date of *that* event is accurately set down in the very first page of the biography. At page 1 we are informed that Mr. Lushington “went to India in 1827,” and at page 344, that Lord Harris died two years afterwards. The problem is one of very easy solution;—but we submit that this is not the manner in which biography ought to be written. A man may tell his wife that George III. died two years after he took the

house in Baker Street, or that the Battle of Waterloo was fought in the same year that Willy was born; but we are not sure that the historian, in his communications to the public, is entitled to make such incidents in his personal career the pivots upon which the reader's knowledge of historical events is to turn. At all events, if this be legitimate biography, the book before us ought to be called a "memoir of Mr. Stephen Rumbold Lushington, Governor of Madras, interspersed with anecdotes of the late Lord Harris." It is right, however, to add that the work is not written throughout in the "*Ego et Rex meus*" style. These occasional touches of egotism may readily be forgiven in a book, which, in spite of the omissions of which we complain, contains so full an account of the subject of the memoir.

Both in the Preface and in the closing chapters of his work, Mr. Lushington has commented upon the numerous inaccuracies apparent in the seventh volume of Alison's history of Europe. It is not very long since we pointed out a few of this historian's errors. In the work now before us, the biographer has sufficiently shown that Mr. Alison's account of the operations of the Army under General Harris in the Mysore country, is utterly unworthy of the confidence of the reader. We are surprised, however, to find Mr. Lushington charging the historian with the offence of putting forth "imputations upon the honor of Lord Harris, the Marquis Wellesley, and the Duke of Wellington."—If Mr. Alison committed the offence with which he is charged, and really put forth "imputations upon the honor of Marquis Wellesley," it is somewhat remarkable that that nobleman should have sent a letter to the historian, "bearing full testimony to the accuracy of his history, and to the impartial and beautiful spirit in which it is conceived and written." These are either Lord Wellesley's words or his Secretary's. Mr. Alison, quoting them in the third edition of his history, says, "the imprimatur of such a man, is indeed a testimony in relation to his own transactions, of which an historian may justly feel proud;" and assuredly, if the noble Marquis himself had nothing but commendation to bestow on what Mr. Alison has said of him, the historian may consider himself fairly acquitted of the charge of having maligned the nobleman, who has borne so full a testimony to his "impartial and beautiful spirit." The prosecution would seem to break down altogether, since the party said to have been assaulted, comes into court and swears that no assault was committed. All this would appear to be plain enough; but a new difficulty here presents itself. The Mar-

quis has borne "full testimony" to the merits of Mr. Lushington's work. In a letter addressed to that gentleman, he says; "In the whole course of a long and arduous public life, I have never experienced so much heart-felt delight as I have received from your most excellent and most valuable work..... Your book, with a brevity and force combined in the most admirable manner, has in one view brought into full light all our actions, all our services; dispensing to each claimant of glory and honour his due share of each, refuting all calumnies, correcting all errors, and trying all characters by the same unerring test of historical fact and plain unadorned truth." The calumnies cleared up, and the errors refuted, are principally those of Mr. Alison;—and yet the Marquis has borne full testimony to the accuracy and impartiality of Mr. Alison's history. Here is a difficulty, which we must leave to the ingenuity of Mr. Alison, Mr. Lushington, and Mr. Montgomery Martin, on the part of the Marquis Wellesley, to solve. We confess that it is beyond our power.

It is plain, however, that Mr. Alison cuts a very bad figure in the work now before us. Mr. Lushington has dissected his statements with a sharp knife, and laid bare all the blunders they contain. Ignorance may be forgiven, but when ignorance refuses to be taught, no further clemency can be extended to it. Mr. Alison has not only committed a series of very gross errors, but he has persisted in these untruths by refusing to expunge them from his work. Since they were first brought to his notice, a new edition of the History of Europe has appeared, containing all the blemishes which disfigured its predecessors. Of some of these we shall come to speak presently, when, after following the biographer through the earlier stages of Lord Harris's career, we come to speak of that portion of it to which the controversy mainly refers. George Harris was born in the year 1746. He was the son of one clergyman and the grandson of another. His father was a country curate, who in that condition lived and died, the parent of a large family, of which the subject of this article was the eldest. An accident seems to have determined the nature of George's profession, and the whole tenor of his career. Mr. Harris took his degree at Cambridge. Whilst resident in that University, he had the good fortune to render an essential service to Lord George Sackville. He was then a young man of great personal activity and uncommon muscular strength, renowned at College for his adroitness in all athletic exercises, and endowed with spirit proportionate to his power. Lord George happened to fall into the hands of a noted bully, from

whose clutches Mr. Harris rescued him at a critical moment; and the service thus rendered was never forgotten. Many years after this incident occurred, Mr. Harris was a country curate with a numerous family; and Lord George, Master General of the Ordnance. The promise of assistance made in former days was brought to his Lordship's remembrance; and the Master-General presented his old protector with a cadetship in the Royal Artillery, for his eldest son George, who was then at Westminster school with little prospect of any future provision. The warrant was issued in 1759. In that year Mr. Harris died. About the same time, the battle of Minden was fought, and Lord George Sackville disgraced. The Marquis of Granby was then appointed to the ordnance office; and fortunately for young Harris, both the Marquis and his brother, Lord Robert Manners, had been at College with his father. An application in behalf of the cadet was made to these influential noblemen; and soon afterwards the youth received a commission of Lieutenant Fire-worker of Artillery. But the battalion to which young Harris was appointed, was doomed, in consequence of the restoration of peace, to be speedily reduced;—and anticipating this event, the Marquis of Granby obtained for his *protégé* an ensigncy in the 5th Regiment of Foot.

In the spring of 1763, Mr. Harris joined his regiment at Bedford. The river Ouse runs through that pleasant town; and affords to all, who have leisure for such recreations, the diversion of angling and of boating. The young soldier joined a party, one day, intent upon the latter amusement. The excursion was rendered memorable by an event, which well nigh proved fatal to more than one of the party. A young officer, Ensign Bagot, was standing in the stern of the boat, when, losing his balance, he fell into the river. He had twice sunk beneath the surface of the water, when young Harris, seeing the danger which threatened his comrade, who was unable to swim, plunged into the stream, to the rescue of the drowning man. Endeavouring to save the life of another, he almost sacrificed his own. The drowning youth seized his preserver by the hair, and then clung to his arms. The movements of the swimmer being thus impeded, the two officers were in peril of sinking together; but the vigorous exertions of Ensign Harris brought the two safely to the margin of the river, where a new difficulty presented itself in the precipitous nature of the banks, which it now became necessary to ascend, with his companion in his arms. Here, probably, both would have sunk, had not



the boat, in which his comrades remained, been pulled to shore, and timely assistance rendered to the drowning pair.

This action secured for young Harris the affectionate regard of his brother officers, and the modesty with which he received the approbation bestowed upon him, did much to strengthen the kindly feelings of his companions. Nor was it long before the young soldier's courage was again put to the test—but by a trial of a different fashion. Soon after the occurrence of the accident, which we have thus briefly described, the regiment was ordered to Ireland. There was in the corps, a Captain Bell—an officer of violent feeling and eccentric habits, who from the first had exhibited in his conduct, what indeed he had felt in his heart, a strong attachment towards Ensign Harris. No sooner had the young officer, then scarcely seventeen years of age, joined the regiment, than Captain Bell “made himself the protector and adviser” of the youth. “I sat next to him at Mess,” wrote Lord Harris more than half-a-century afterwards, “drank of his cup of wine and water—or, perhaps, oftener the pure element,—for he was the most temperate of men—walked with him, and in short was seldom an hour from him, through the day.”

But such affection is often erratic. When once it begins to decline, nothing can stay the precipitate downfall. Captain Bell loved young Harris, as a father doats on an only son; he boasted of his attachment to the youth, and spoke of him as “the finest English boy” in existence. In 1765, he was appointed to command a detachment of three companies stationed at Cashel; and he made it a point that the company to which young Harris was attached, should form one of its components. Here the wayward temper of the Captain began to betray itself. His jealousy was excited. Other officers joined the detachments;—some of them were sportsmen, and Harris was naturally inclined to take pleasure in field sports. The Captain thought he was neglected; and his excitable temperament manifested itself in a manner most painful to his young friend. He became irritable—morose; seldom appeared at the mess-table, and when he did, scrupulously abstained from addressing a word to Harris. He was very wroth with his young friend:—

And to be wroth with one we love  
Doth work like madness on the brain;—

The madness of Captain Bell soon began most unmistakeably to betray itself.

On Christmas Eve, Harris was partaking of the hospitality of an Irish neighbour, when a snow storm came on, so violent as to prevent him from returning that night to his quarters. But, before the hour of morning parade, he was at the threshold of his commanding officer. After knocking several times at the door, he obtained admittance. Captain Bell, who was still in bed, would not listen to a word that the young officer had to say; but at once ordered him to his room, adding that he should soon hear from him. Harris obeyed; and in the course of an hour Captain Bell came over to the young officer's quarters, and presented him with a challenge, couched in most violent and offensive language. It called upon Harris to meet the Captain at the Abbey, armed with swords and pistols, but without a second. The challenge was accepted; but not before his brother officers had endeavoured, in vain, to persuade him to allow one of them to accompany him to the field. The two old friends met. Bell declined all explanation, declaring that he had come there not to talk, but to fight. Taking off his coat and waistcoat, and depositing them on a tomb-stone, then laying his drawn sword on his clothes, the Captain prepared himself for the combat; and the brave youth followed his example. The word was given; they were to fire together; Captain Bell took aim and fired. Young Harris did neither. Captain Bell reproached him with not firing, was greatly irritated, and insisted that his antagonist should fire. They again took up their positions, and both fired together; but the ball from neither pistol took effect. This was repeated; a third shot was fired, but also without effect. Captain Bell then said "we shall go no further now, but you shall hear from me again." He then put on his clothes; and so ended this singular conflict, of which two of Harris's brother-officers had been unseen spectators.

But the strife in Captain Bell's bosom was not extinct. In the course of the evening Harris received another letter from his former friend and associate. It contained a challenge to meet him on the following morning, adding an exhortation to "bring a number of balls, as one of the two must fall." But here the young man's friends interfered, insisting that he should not again go out, without a second. Harris wrote to this effect, adding that if he had unintentionally given offence, he was ready to apologize for the error. Captain Bell then sent for him, and stated that the offence consisted in staying out of barracks all night without leave. For this he demanded an apology, and drew up a written one, which he called upon Harris to sign. The style in which it was written was not very

palatable to the young officer; but considerations of former friendship induced him to sign it; and the two then shook hands, Harris giving the best possible assurance of his disinclination to offend his old friend by asserting that he had not, on either occasion, fired any where near him;—and here, we should say, that the affair ended; but that it sent Captain Bell to a mad house, and Ensign Harris to the Peerage. The former ended his days “in confinement in London.” To the latter the consequences of the duel were, to use the language of Lord Harris, at the close of his career, “the warm friendship of Sir William Medows, which ultimately led me to fame and fortune—the giving me such a confidence in myself as to convince me no dangers or difficulties could ever make me act in an unbecoming manner—and lastly, the enabling me to preserve a command over my passions and temper in many after scenes of trial and annoyance.”

In 1766,—Ensign Harris obtained his lieutenancy, and shortly afterwards purchased, not without difficulty, the adjutancy of his regiment. Early in the following year, acting upon the advice of his commanding officer, he purposed to obtain leave of absence, “in order that he might make a tour on the continent and perfect himself in French, riding and fencing;” but the project was not carried out until the following year. A few of the letters written from France by Lieutenant Harris are given by his biographer. In these times it is difficult to find an Englishman who has not travelled from Boulogne to Paris. Eighty years ago, when Boulogne was reached “after tossing and tumbling for two days,” the fact was one of comparatively rare performance. Harris took the route by Amiens, which though a devious one, we would recommend to all travellers, even though the Railway from that city to Paris were not open, and the Boulogne line in a fair way towards completion. In the course of a few months, the journey described in the following letter, which we give as a specimen of Harris’s early epistolary style, will be performed in a few hours:—

“ *Paris, September, 1768.*

“ ’Tis as well to be out of the world as out of the fashion. So as all here are in mourning for their queen, I mourn also in paper\*; nought else. Now are you longing to know how I am settled, and so forth. But, with your leave, I’ll first bring myself to Paris. We set out on horseback from Boulogne on Thursday morning, the coach not going till Monday. I wish you had seen us mount: you must have laughed very heartily. Conceive two great fellows astride on two beasts, not bigger than goats, with saddles and bridles that hid them; and then you see us, to appearance walking with

\* It having a broad black edge.

a great saddle between our legs. But, I should not abuse them ; they carried us very well ; they are like their masters, all life. The first town we came to was Montreuil, eight leagues from Boulogne, between which places there is not anything worth notice but the number of crosses, erected almost on every eminence, and at the entrance of all the villages. The country is quite open, not a single hedge ; and the prospect is not very pleasing, from the want of houses. There is scarce a gentleman's seat between that and Paris, though many convents, all pleasantly situated, but generally near great towns.

" *Montreuil* is fortified, and appears strong from the situation ; but as we only staid to change horses, I can say nothing more of it. Our next stage was to Abbeville, ten leagues. We did not reach it till six, having very bad horses. Here we were obliged to open our baggage, but having nothing contraband, we sustained no other loss but that of time, which, to a tired traveller, is very precious. We here inquired for some means to convey our baggage to Paris, but found none farther than to Amiens ; from thence a coach was to set out next day for Paris. This, you may be sure, pleased us very much, for two reasons—going on horseback was very expensive, and secondly, we were very much tired. In the morning we embarked our all, for you are to know we went by water—a method of travelling you are not acquainted with. It was a large covered boat, drawn by men on the banks of the river, a very tedious way, but to us very pleasant, as it rained very hard most part of the day. We had provided part of a shoulder of mutton for our stock, though here our politeness got the better of our stomachs. It being Friday, we thought eating meat might offend our fellow-travellers. Indeed, I was not in much want of it ; the smell of near thirty people in so close a place is no great provocative to the appetite, but we made up for it when we came to our journey's end ; for my companion, though a good Catholic, ate meat with full as much pleasure as I did. Here we found the coach, and put our portmanteaus into it, having had enough of confinement, so determined to set off on foot, which we did with the coach, but soon left it behind, which you will not be surprised at when I tell you our carriers' waggons are full as light machines, and travel as fast. We walked four leagues to breakfast, not on washy tea, but good milk, with a little of the cordial called eau-de-vie in it. We again set off for the place where the coach was to stop, to dine. Our great coats began to be very heavy, so we determined to wait for the coach, and put them in. We waited two hours ; they seemed very short, for I slept almost the whole time. (Walking one and twenty miles is a great help to Morpheus.) We set off again to walk four leagues, where the coach stopped that night. It was a poor village, as were all those we passed through. We saw from the road some pleasant convents, but the country is all the same, quite open. I need not tell you we slept sound. At five we got up, and found the coach had been gone three hours, with the intent that the people might go to church, (it being Sunday,) about three leagues off. We now wished for our great coats, as it looked very like rain, but that would not recall 'em ; so away we marched, and before we got five miles had not a dry thread about us. I have described the country, so you will readily conceive we were not within sight of shelter. The first we met with was an eau-de-vie shop ; we got a sip, and went on. Here my companion began to tire, the road being paved, which is rather unpleasant when the feet are tender. We reached our stage, and after breakfast found ourselves so much refreshed, we went off again in good spirits ; but before we got three leagues, he was worse, so we agreed to try and get a carriage, as the coach was quite full. By great good luck we got one, for it is not here as in England, where public chaises are plentiful ; here

every-body travels in their own. Perhaps you think our's was a chaise; indeed, it was drawn by two horses, and we had a postilion, but it was what in England is called a higgler's cart. We took it, however, to go seven leagues. This was the pleasantest part of the journey; the country is better, and the pheasants and partridges were feeding by the road-side without fear of disturbance. We passed the Pretender's house, and a castle belonging to the Prince of Condé, but gone to ruins; it appears to have been very grand; it is quite in the Gothic taste, and at a distance still makes a good appearance. We slept Sunday night within six miles of St. Denis, and next morning walked there. It would have been very pleasant; but a great deal of rain had fallen in the night, and made the roads very bad. We went through vineyards almost the whole way, but as the grapes were sour, it did not make up for the bad road. St. Denis is a large place, the church a very noble one, and, they say, contains great riches, but I had not an opportunity of seeing them, eleven being the hour. Near St. Denis is a barrack for young recruits, which is a very good institution; here, after enlisting, they are made to learn their duty, and then sent to any regiment that may want them, which is a much better way than ours.

"From St. Denis we took a hackney-coach, which plied as a stage to Paris, where we very soon arrived, and here am I quietly writing to you, whilst all Paris are dancing, drinking, singing, or walking. This is their way of passing Sunday evening.

"You will be glad to hear I am in good health, and trust this will find you so, for it is a blessing far beyond the golden sands of Indus, or the mines of Golconda; moreover, I am as merry as any Frenchman, and that's saying a bold word. I have not time to tell you of my adventures, as the person who brings this sets off immediately. Now I think of it, be so good as to fold your letters smaller, for as the French judge of all things by the show they make, they thought your letters must be well worth double another, so they charged accordingly. Had they known my thoughts, they might have charged ten times the sum, as I should have paid it with pleasure; but as it is possible to have the same quantity for half the price, we may as well save it.

Ever yours,

GEORGE HARRIS."

"I go on tolerably well in learning the language, and to you alone shall own I do not think my time will be thrown away; as I know, should it prove the contrary, you will endeavour to comfort instead of laughing at me, as most people would do had I made such a declaration to them. I intend to expend three guineas in dancing, which will be about four months time, at the end of which I hope to show you, when I come back, the best polished step of the *minuet le bien*. Will you learn?—An excellent thought; it must be so. Remember me to our uncle when you write. Tell him I have a bag big enough to put him and you in, and turn out my toes *à merveille*."

Lieutenant Harris returned to England, at the commencement of 1769, rejoined his regiment in Ireland, and continued to do subaltern's duty until the middle of 1771, when he purchased his company—an important step, not unattended with difficulty. It appears that his mother—an excellent woman, who was revered by her son, and who in no small measure helped to make the character and shape the career of one of

the most distinguished officers in the British army—advanced the purchase-money out of her scanty store, and that from the savings of his regimental allowances Captain Harris repaid the debt. He was at this time in his 26th year, and his person and manners are thus described by Mrs. Dyer, his cousin—an amiable and intelligent woman, to whom he was warmly attached. “The vivacity of youth sparkled in his fine eyes; the glow of health adorned his cheeks; and to a most engaging exterior he joined a heart replete with every manly generous feeling. His manners, which he retained to the latest period, were as prepossessing as his person; cheerful, yet free from levity; polite, without affectation; attentive, without officiousness; sincere, without roughness; and respectful, without servility.”

Captain Harris on his promotion, left Ireland to take a tour through England, on recruiting duty; and at Derby had the misfortune to fall in love with a young lady of good fortune and great personal attractions. The lady, it appears, was not altogether “insensible to his merits;”—but Harris, thinking that it would be dishonorable to endeavor to fire the affections of one so far above him in worldly circumstances, determined, though the determination cost him many a pang, not to press his suit. “I really,” he said in a letter to Mrs. Dyer, “from my soul can say that I love her too well to wish to marry her.” In 1772, Captain Harris quitted the Provinces, and proceeded to London. Thence he moved, not unwillingly,—for the great Babel had no charms for him,—to the seat of his commanding officer, Lord Percy, in the North of England, from which, it would appear that he returned to do duty with his regiment at Kinsale. From this time nothing of any importance to the career of Captain Harris came to pass until the spring of 1774, when the 5th regiment was ordered on foreign service.

The state of affairs in America had rendered it necessary to despatch more troops to that country. It is not in our province to dwell upon the circumstances of that unhappy contest. When Harris’s regiment crossed the Atlantic, there was not a man in it who anticipated the great events which were about to occur. It was fondly imagined that the colonists would not proceed to extremities, and that, if they did, the insurrectionary spirit would soon be put down. Every one believed that the insurgents would speedily be drilled into obedience;—and the reinforcements despatched to teach loyalty to King George, rested for some time, in dreamy inactivity, upon their arms. It was not before the spring of 1775, that Captain Harris’s

regiment was employed against any more formidable enemy than a herd of Bostonian cows. On the 19th of April, a detachment was ordered out to attack the position of the enemy, who had "fortified a small mill near the British camp, and thus, in a great measure, prevented the passage of convoys." The attack was unsuccessful; the British troops were compelled to fall back; and Captain Harris, who commanded the Grenadier company of the 5th regiment, was ordered to cover their retreat. This was a service of danger; but although one-half of the company fell, killed or wounded, beneath the fire of the enemy, he escaped unhurt.\* This was this first achievement, in actual warfare; his next was even more perilous.

In June, 1775, the British troops attacked the enemy in their entrenched position on Bunker's Hill. The affair is a memorable one in the history of the two nations. On the crest of a breach, which he had mounted, whilst gallantly cheering on his men, he was struck down by a ball, which glanced along the crown of his head and made an aperture in his skull. In a letter written soon after the engagement he thus describes his sufferings on this occasion:—

"We had made a breach in their fortifications, which I had twice mounted, encouraging the men to follow me, and was ascending a third time, when a ball grazed the top of my head, and I fell, deprived of sense and motion. My lieutenant, Lord Rawdon, caught me in his arms, and, believing me dead, endeavoured to remove me from the spot, to save my body from being trampled on. The motion, while it hurt me, restored my senses, and I articulated, 'For God's sake, let me die in peace.'

"The hope of preserving my life induced Lord Rawdon to order four soldiers to take me up, and carry me to a place of safety. Three of them were wounded while performing this office (one afterwards died of his wounds), but they succeeded in placing me under some trees out of the reach of the balls. A retreat having been sounded, poor Holmes† was running about, like a madman, in search of me, and luckily came to the place where I lay, just in time to prevent my being left behind; for when they brought me to the water's edge, the last boat was put off, the men calling out they 'would take no more.' On Holmes hallooing out, 'It is Captain Harris,' they put back, and took me in. I was very weak and faint, and seized with a severe shivering; our blankets had been flung away during the engagement; luckily there was one belonging to a man in the boat, in which wrapping me up, and laying me in the bottom, they conveyed me safely to my quarters.

"The surgeons did not at first apprehend danger from the contusion, notwithstanding the extreme pain I felt, which increased very much if I

\* Mr. Lushington says "The killed and wounded is sufficient evidence of the fire to which he was exposed; but it did not disturb his coolness or humanity, for in the retreat he filled his grenadier cap with water for the relief of the wounded, and when found by Lord Percy administering it to them would fain have had him partake of the precious beverage."

† The name of Captain Harris's servant.

attempted to lie down. A worthy woman, seeing this, lent me an easy chair ; but this being full of bugs, only added to my sufferings. My agonies increasing, and the surgeons observing symptoms of matter forming (which, had it fallen on the brain, must have produced instant death, or at least distraction), performed the operation of trepanning, from which time the pain abated, and I began to recover ; but before the callous was formed, they indulged me with the gratification of a singular curiosity—fixing looking-glasses so as to give me a sight of my own brain. The heat of the weather, and the scarcity of fresh provisions, added greatly to the sufferings of the wounded. As patience was the only remedy for the former, I trusted to it for relief ; and for the latter, the attention of the surgeon, and a truly benevolent family in Boston, who supplied me with mutton-broth, when no money could purchase it, was a blessing for which I can never be sufficiently thankful.”

In a subsequent letter he says jestingly, “ They still every day peep at my brain, which, all things considered, is not an unlucky circumstance, as it may convince you and the rest of the world that I have such a thing ; and I should not regret that you and the rest of my friends in old England, could in the same manner take a peep at my heart. I am convinced they would find a warmth of affection they may ‘ more imagine than I can describe.”

Owing, it would appear, partly to the state of his health, and partly to considerations of a private nature, (for he had received the promise of a commission for his brother, and was anxious to make the necessary arrangements for the return with him to America of the recipient of Lord Howe’s bounty) Captain Harris sailed for England ; but his sojourn at home was one of very brief continuance. In the summer of 1776, he again set sail for the shores of America, accompanied by his brother. The voyage was tedious and uneventful ; and there were circumstances which rendered “ the blank and solitude” of a sea-life peculiarly irksome to him. His affections were engaged by a young lady, whom he had met in England, and the separation from whom was a severe trial. This young lady was Miss Dickson, who subsequently became his wife.

Active service in America soon raised his spirits again. He was never in better health, nor in a more cheerful mood of mind than when in full professional employment. It would swell our article to an inconvenient length, to follow Captain Harris through all the fluctuations of these eventful campaigns, in which the fortune of war was ever varying. In August, 1777, he sailed with Lord Howe from New York, “ and ‘ landed with the reserve of the army under Sir W. Howe, at ‘ Head of Elk, in September, and was shot through the leg in ‘ the attack on Iron Hill, where he had been sent in advance ‘ by Lieutenant Colonel Medows, to cover the guns of the



‘battalion with his company.’ A few days after this, the battle of Brandywine was fought. Harris, suffering greatly from his wound, was riding in a carriage, when orders arrived, to form the British columns for action. The impulses of the soldier were too strong for the wounded man. He quitted the vehicle in which he was riding, seized an unsaddled horse, mounted it, joined the army, and shared in the perils and the honors of that eventful day. This imprudence did not help to heal his wound; but so aggravated the evil that he was compelled to betake himself to sick quarters. It was not long, however, before he was sufficiently recovered to join the army; and soon afterwards he obtained his majority. In December, 1778, he served with the force sent for the reduction of St. Lucie. He was second in command, under his old friend Brigadier Medows. In the engagement which took place, when, in spite of the great numerical inferiority of our troops, and an unfortunate scarcity of ammunition, the British force triumphed over “5,000 picked troops of France, commanded by D’Estaing,” Major Harris greatly distinguished himself. He was again wounded on this occasion,—and his brother so severely injured, that he soon afterwards died of his wounds. This was a severe blow to Harris, who was warmly attached to the young and gallant officer, thus cut short in the commencement of a career which promised to be a distinguished one: but in the love of the amiable woman destined to be his wife, he found much good consolation.

Anxious after so long an absence to visit his betrothed, and, in his improved circumstances, to make her his wife, Harris obtained leave of absence, and took his passage to Europe in a Dutch vessel, which had the misfortune to be captured by a French Privateer. Being, however, soon released on his parole, he made his way to England, and was married. His regiment being then at Barbadoes, he embarked with his young wife for that Island; but had scarcely arrived when he was ordered upon a secret expedition, which would have occasioned a long and painful separation, but that it was soon abandoned. But another cause of anxiety soon presented itself. Major Harris’s regiment was ordered to England in the ensuing summer (1780); but the precise time of its departure being uncertain, and Mrs. Harris being in a situation, which rendered it necessary that she should be “settled in some comfortable place by a certain day,” the lady preceded her husband to England, and Major Harris arrived just in time to be present at the birth of his first-born—a daughter.

In the December of this year, he obtained his Lieutenant-

coloneley, and was soon afterwards ordered to Ireland. The passage was a dangerous one; for the Captain was incompetent, and through his incompetency the vessel was nearly lost. After spending some time at Kilkenny, he proceeded with his regiment to Limerick, where a son, the second Lord Harris, was born. In Ireland he remained some years, during which "the prospect of a numerous family, added to an innate love of retirement and country pursuits, prompted him to make several efforts to sell his commission." After repeated failures, he found a purchaser, and the negociation had proceeded almost to the point of completion, when, having proceeded to London, for the settlement of the business, he met his old friend, Sir William Medows, and a change came over the spirit of his resolution. He had come up to the metropolis to receive the money for his commission, and to make arrangements for the emigration of himself and his family to Canada. Sir William heard the story with evident impatience, and then asked whether the money had been paid down, and the new commission actually signed. Harris replied that there would be a day's delay, in consequence of the death of the Princess Amelia. "Then," said the General, "you shall not sell out. I am just appointed Governor of Bombay; and you shall go with me as Secretary and Aide-de-camp. I will go at once to the agent and stop the sale." He did stop the sale of the Commission; and this accidental meeting in St. James's Street was the first link in that great chain of events, which elevated Colonel Harris to a high position among the military commanders of Great Britain.

We must here pause in our narrative to bestow a few sentences upon that excellent man and distinguished officer, whose friendship made the fortune of Colonel Harris! The chivalrous bravery of this noble-hearted soldier was only to be equalled by the kindness of his heart and the generosity of his nature. Several characteristic anecdotes of this remarkable man are contained in Mr. Lushington's work. When he was ordered to America, having been appointed to a new regiment, he received permission to take as many men from his old corps, as might volunteer to accompany him. Accordingly he drew up the regiment in line, and after a few words of explanation, stepped on one side, and exclaimed, "Let all who choose to go with me, come on this side." The whole regiment to a man accepted the invitation; the corps went over bodily to the spot on which their beloved commander was standing—a proof of their attachment which affected so sensibly his warm heart that he burst into tears. On service, wherever danger was to be

found, Medows was sure to be in the thick of it. In the battle of Brandywine, when leading on his grenadiers to the charge, with orders to reserve their fire, he received in the sword-arm, just above the elbow, a shot which went out at his back; and, falling from his horse, he broke his collar bone on the other side. Harris found him in this situation almost insensible; but the well-known voice of his friend seemed to restore him; he tried to extend a hand, but neither was at his command. "It's hard, Harris;" he said;—but presently added, "it's lucky poor Fanny does not know this."—After the affair of St. Lucie, it was General Medows who communicated to Harris the sad tidings of the death of his brother. The General was so affected that he could scarcely speak, but he stammered out "Harris, be a man in this as in everything else; the struggle is past." "It is impossible," wrote Major Harris soon afterwards, "to convey to you the obligations I owe to General Medows, or the love I bear him. He is brave, good, and generous." Another anecdote, equally characteristic of the two friends, we give in Mr. Lushington's words. "The General, acting upon that principle which continually influenced his military career, and which taught him, that it made little difference in the chances of a soldier's life, whether he did his duty cautiously and shabbily, or promptly and handsomely, exposed himself to the hottest fire wherever he could. On one occasion he persevered so heedlessly in doing so, that Colonel Harris and the other officers with him, implored him to come down from the position where he stood as a mark to the enemy. He disregarded their remonstrance, when Colonel Harris jumped up and placed himself beside him, saying 'If you, Sir, think it right to remain here, it is my duty to stand by you.' This act of generous friendship, had an immediate effect upon the noble heart of General Medows, and he descended from his perilous station." On another occasion,—at the storming of Nundydroog in 1791—a breach having been effected in the walls of the fort, the troops were ordered on to the assault, when some one cried out, that there was a mine near the breach. "If there is a mine," cried Medows, who was always to be found where danger threatened, "it is a mine of gold." These encouraging words, aided by the ever-animating example of the General, had the desired effect; the breach was stormed, and the place carried.\*

Of the kindness and generosity of Sir William Medows no

\* Macfarlane's "Indian Empire."—vol. II. page 13.

better example need be sought for, than that afforded by the volume now before us, wherein it is set down that, when Colonel Harris accepted the invitation to accompany the General to Bombay, "a heavy burthen of care was taken from his mind by a noble trait in the conduct of his kind friend General Medows, who with his brother, the late Earl Manvers, advanced £4,000, to insure Colonel Harris' life for the benefit of his wife and family." He was, indeed, habitually liberal and regardless of the acquisition of wealth. When Governor and Commander-in-chief at Madras, he placed all his financial affairs in the hands of Colonel Harris, who took such good care of them that, after providing in the most liberal manner for all the expenses of his station, he placed in the hands of the chief, before embarking for England, four lakhs of Rupees accumulated during the colonel's stewardship. "Harris knows how he scraped it together;" said the General, "I don't." We must not forget to add, though we do not find it in the volume before us, that he gave up to the troops engaged in the operations before Seringapatam, in 1792, all the large share of prize money obtained on that occasion, to which he was entitled as second in command.

Nor must we omit to pay due tribute to the humanity of the General, which was, on all occasions, as conspicuous as his gallantry and generosity. It was one of his favorite maxims—one which he never neglected an opportunity of enforcing upon the troops under his command, that "an enemy in our power, is an enemy no more; and the glorious characteristic of a British soldier is to conquer and to spare." Even when opposed to the most barbarous and remorseless enemy against whom we have ever taken up arms, he still preached the doctrine of "No Retaliation" to his followers. Some of his general orders, issued in America and in India, are models for all military edicts during seasons of active service. We cannot devote a page of our journal to anything much better than the following:—

*"Head Quarters, Camp, Trichinopoly Plain, May 25, 1790.*

"The Commander-in-Chief, Major-General Medows, is happy to find himself at the head of that army, whose appearance adorns the country he trusts their bravery and discipline will save. An army that is brave and obedient, that is patient of labour, and fearless of danger, that surmounts difficulties and is full of resources, but, above all, whose cause is just, has reason to hope to be invincible against a cruel and ambitious tyrant, whose savage treatment of his prisoners but too many present have experienced; however, should the fortune of war put him into our hands, uncontaminated by his base example, let him be treated with every act of humanity and generosity, and enlightened, if possible, by a treatment so

much the reverse of his own. To a generous mind, a fault acknowledged is a fault forgot ; and an enemy in our power is an enemy no more.

“That the army and Commander-in-Chief may understand each other—and the sooner the better, as there is nothing on earth he idolizes more than a well-disciplined army, so there is nothing on earth he detests and despises more than the reverse—he is, therefore, determined to make the severest examples of the few that may dare to disgrace the army in general by a different conduct. No plunderers will be shown the smallest mercy : he is resolved to make examples severe, in the hope of making them rare, and would think it one of the greatest blessings he could enjoy to make none at all. Among the first wishes of his heart is the army’s reputation and success ; but it must be prepared for hardships, and to endure them—for difficulties, and to surmount them—for numerous enemies, and to beat them.”

When opposed to enemies of a different description, no man was more anxious to acknowledge their merits, than General Medows. At St. Lucie, he issued an order commencing with the following words:—“As soon as our gallant and ‘ generous enemy are seen to advance in great numbers, the ‘ troops are to receive them with three huzzas, and then to be ‘ perfectly silent and obedient to their officers.” These are characteristics of the “Happy Warrior.”

——— ‘This is he  
Whom every man in arms should wish to be.

“In the summer of 1788, Colonel Harris sailed for Bombay, leaving his wife and family in England. A somewhat curious arrangement appears to have been made to secure to the absent lady the advantage of frequent intelligence of her lord and master.—“Mrs. Harris, thinking that her husband would be too ‘ much occupied in his numerous duties to write often to her ‘ during his absence, had desired John Best to send an account ‘ of him, whenever he had an opportunity.” A man must be very busy, if he cannot find time to write to his wife. John Best was Colonel Harris’s servant, an excellent trustworthy man, although no clerk. The following is a sample of the vicarious correspondence which this conjugal arrangement produced—somewhat amended, be it said, in the spelling:—

“Bombay, January 9, 1789.

“Madam,—It gives me great pleasure to inform you, by the ship *Prince William Henry*, which is thought to be the first ship to London from this coast, and I am glad to inform you that my master is in perfect good health, and in a very comfortable healthy situation at present, and I hope you will receive this in good health and prosperity. And ever since we left London, Madam, there has been a great many pleasant affairs past, which did give me the greatest comfort in the world ; for to see concerning my master on board the *Winterton*—we had not been long on board before they all see’d, from my master’s good pleasant looks and civil behaviour, that he was the sensibliest man on board, and in a short time they all became so very

much pleased with him, that they did ask his advice at all times, for he perfectly at last gained all their favours; and if he had wanted any favour, or asked the captain to forgive any man when he was angry, it was always granted. And when he landed at Bombay, in two days all was ready to entertain the gentlemen when they came to dine with the Governor, for every day there is twelve or twenty different men at least every day, and they do make very free and pass the time cheerfully, which is very pleasant to see for I have often thought in my breast, if you did see how my master makes all the gentlemen so happy, it wou'd in the first place, it would surprise any person for to see, it is so well carried on. And my master sits at the head of the table, and the General at the side, for he gives all the care to my master, and he gives the gentlemen many broad hints that it is all Col. Harris's, which makes it appear very pleasant to me for to see them at all times like two brothers. The Governor very often tells the gentlemen some good story concerning Col. Harris and they both agree in the same in such good nature, that it makes it very pleasant; and my master always drinks a glass of wine with every strange gentleman at table, and sometimes a great many, to the great pleasure of all the people at table; it looks so well, that when any strange gentleman comes to dine the first time, they seem quite surprised, and all the time keep their eyes fixed upon my master; so, I think the best comparison I can make is, they look as if they were all his own children. But I am sorry to see the gentlemen live so fast; but, to my great comfort, my master is as careful as ever he was at home, and in every particular careful of his self. And this wine, you must know, that he drinks is three parts water. If you will put two glasses of water and one of madeira and then a little claret, you will not perceive any difference, and the claret, one glass of water to one glass of claret. This I always mind myself, and give him, when he calls for madeira or claret. I hope Madam, you will forgive me for giving myself the great honour of writing to you.

I am, with respect, your most obedient Servant,

JOHN BEST."

Sir William Medows had not been very long at Bombay, before he was appointed Governor and Commander-in-Chief at Madras. To the latter Presidency he, therefore, proceeded with his staff; and assuming the command of the army, almost immediately took the field. That great and good man, Lord Cornwallis, was then at the head of the Indian Government; and at the head of the British army, engaged in operations against Tippoo Sultan, he soon appeared on the Theatre of War. The immense resources and unbounded ambition of this potentate had rendered him a formidable enemy;—but in March 1791, Cornwallis struck the first great blow at the Mysorean power, by capturing Bangalore. His intention was, in the next place, to push into the very heart of Tippoo's dominions, to invest the capital, and dictate terms of peace under the walls of Seringapatam. Before the middle of May, he was within ten miles of that city; and, although in an engagement with the enemy, which then took place, he was strong enough to disperse them, he felt that he was not equal to the investment of the

capital of Mysore. He accordingly determined to fall back upon Bangalore. We need not dwell upon all the disastrous circumstances of this retreat. In the following autumn, preparations were made for the renewal of offensive operations;—reinforcements had arrived from England; the treasury had been replenished from the same quarter; cattle in abundance had been received from Bengal; and a new battering train had been equipped. Before the close of the year, Cornwallis had opened all the lines of communication necessary to ensure the success of his final operations; in the following January, he was joined by the Nizam's forces, and the combined army marched forward on the capital of Mysore. On the 5th of February, Seringapatam was again in sight. The main body of the Mysorean army was encamped before its walls. On the night of the 6th, Cornwallis leading the centre divisions in person, attacked the enemy's position; and on the following morning, crossed the Cavery. Tippoo shut himself up within the Fortress; and began incontinently to think of terms. The British general now began to invest Seringapatam. By the 23d, the second parallel was completed; the heavy batteries were prepared for action, and in a few days, everything would have been ready for breaching. Sir William Medows, with characteristic contempt of danger, had undertaken to lead the storming party to the assault; his men were eager for the affray; and Seringapatam was at the mercy of the British Chief, when, Lord Cornwallis, whose humanity was as conspicuous as any of his other great qualities, was induced to listen to the overtures of the Sultan. Terms were dictated to Tippoo, which he was compelled to accept, and hostages, in the persons of his sons, given up, as a guarantee for the fulfilment of the treaty. In all these operations, Sir W. Medows and Colonel Harris took a prominent part. They were engaged in the capture of Bangalore, Savendroog, and Nundrydroog;—were distinguished in the engagement with Tippoo's army before Seringapatam, on the 15th of May; and on the renewal of hostilities, in the following cold weather, were amongst the most distinguished of the officers, concerned in the successful operations against Seringapatam. Medows was second in command;—and Harris on more than one occasion, selected for difficult and hazardous duty.

On the restoration of peace, Sir William Medows determined to return to England and in the month of August Colonel Harris embarked with him at Madras. After spending a year in the bosom of his family at home, he again set sail with Mrs. Harris and his eldest daughter, to join his regi-

ment then stationed at Calcutta. On arrival in October 1794, he was appointed to the command of Fort William, but soon afterwards, being promoted to the rank of Major General, his occupation was gone, and he was about to return home, when he was appointed Commander-in-Chief at Madras with the rank of Lieutenant-General and a seat in Council. He received intelligence of his appointment, at Calcutta, in January 1797, and proceeded, with all possible despatch to the Madras Presidency. And here, his biographer remarks “If the narrative were to close here, enough has been already written to prove that General Harris was a man of generous affection, high courage, and sound understanding; he had, moreover, shown from his earliest years, a calmness of temper, which enabled him to meet all temptations and dangers with unyielding firmness.) These qualities, graced as they were in his intercourse with the world by much personal courtesy, were greatly enhanced to his family and friends by the constant exercise of an affectionate, grateful, and pious heart—from this period of his life, he is to be seen in a wider sphere of action, and to be estimated for his conduct whilst holding high command in the King’s, and East India Company’s Service.”

(On the 22d of May, 1798—“a day” says Mr. Lushington, “ever to be remembered in the annals of British India, because we date from it a new and splendid era in our history”—Lord Mornington arrived at Madras. General Harris was then acting Governor of that Presidency, as well as Commander-in-Chief. Upon him, therefore, it devolved to receive and to communicate with the new Governor-General; and the intimacy and cordiality thus commenced, continued uninterrupted until death divided these two distinguished men.)

Mr. Macfarlane, in his history of “our Indian Empire” states that Lord Mornington “remained sometime at Madras, in order to acquaint himself with the real condition of that Presidency and of the Carnatic and to concert measures for defending those countries against any irruption of Tippoo and his Mysorean hosts”—but, as the new Governor-General arrived at Madras on the 22d of May, and on the 9th of June, was quietly settled in Fort William, writing letters to General Harris, his stay at Madras (although the voyage up the Bay of Bengal is not a very tedious one in the month of May) must have been of very short duration. Little can he have learnt during that stay; but Lord Mornington was ever prompt to act—his energy and activity were unbounded—and he had scarcely taken his seat as Governor-General, before he meditated an



immediate attack upon Tippoo Sultan and began to take measures for the execution of this most important design.

Lord Mornington's predecessors had been eminently men of peace. Lord Cornwallis, though a distinguished military commander, never struck a blow which could honorably be avoided; and Sir John Shore was on principle averse from military operations, not forced upon him by the pressure of events. The policy of both was in accordance with that inculcated by the authorities in Great Britain. The King's Government and the Court of Directors had steadfastly set their faces, not only against all warfare in India, but against any unnecessary interference with native courts; and in pursuance of instructions received from home, the British power in the East had, for some time, been inactive; anything like hostile preparations had been studiously avoided;—the army was not in a condition to take the field; it was weak in numbers and dispersed over the country; there was little money in the Treasury; there were neither commissariat nor ordnance stores in readiness for the supply of an army; there was no available carriage—every thing was on a peace-establishment; every thing indicated a season of profound tranquillity. But Lord Mornington soon startled the country from this state of dreamy repose. He took the oaths as Governor-General of India, and announced his intention of attacking Tippoo in the stronghold of Seringapatam.

It is no part of our intention to discuss, in the present place, the principles which guided Lord Cornwallis, Sir John Shore, and Lord Mornington. Our opinions have been stated on more than one occasion; and it is here only necessary to remark that, when the admirers and supporters of one statesman censure another, for doing, or omitting to do, what that statesman would, or would not have done, without reference to the peculiar circumstances in which both were placed, they betray the profoundest ignorance and stolidity. To contrast the conduct of Sir John Shore and Lord Mornington, without contrasting the circumstances, rising out of a variety of political events, which, doubtless regulated the conduct of both, would be an act of preposterous folly. It would be as unjust to accuse the former of apathy, indolence, and imbecility, because he did not adopt the energetic measures of his successor, as to accuse the latter of head-strong and reckless ambition—of verish irritability and pugnacity—because he could not consent to walk in the peaceful footsteps of his predecessor. Both may have been right. It is certain that when Lord Mornington arrived in India, circumstances, unknown to Sir John Shore,

were immediately brought to his attention. It was reported to him that Tippoo was largely intriguing with the French. Not only were there a considerable number of French adventurers in Mysore; but the Governor-General had now obtained authentic information to the effect that Tippoo had sent ambassadors to the Mauritius, with overtures for an offensive alliance with the French against the British Government in India—calling for the assistance of French troops, and offering to pay the whole expenses of the war. A proclamation had been issued, throughout the Island, inviting the inhabitants to enlist in the joint service of the Sultan and the Directory; and M. Malartic, the Governor of the settlement, had forwarded Tippoo's letters to the French Government at Paris. (Upon this hint Lord Mornington acted. He had determined to strike the first blow; and accordingly he wrote to General Harris, directing him to spare no exertions for the collection of an army on the coast.)

Lord Mornington was a young statesman;—and he was no soldier. Of the difficulties of the game of war he had no very clear perception; of the difficulties of the game of war *in India*, he had no perception at all. He seemed to think that it was the easiest thing in the world, for the British power, without preparation, to fling itself upon the capital of Mysore; to crush the dominion of the Sultan; and to establish the supremacy of the British throughout the whole of Southern India. The effect that the Governor-General's communication of his intentions had upon the Madras Council was like the bursting of a shell in the Council-chamber. Mr. Webbe, the Chief Secretary, whom the Duke of Wellington, many years afterwards, described as "one of the ablest and one of the honestest men he ever knew," exclaimed, in sorrow and dismay, upon perusing Lord Mornington's letter, "I can anticipate nothing but a return of shocking disasters from a premature attack upon Tippoo in our present disabled condition, and the impeachment of Lord Mornington for his temerity."—"Our unprepared state for war," writes Mr. Lushington, "in the absence of a large number of our troops in the Eastern Islands, our empty Treasury, and bankrupt credit at Madras, all the horrors of Hyder's merciless invasion of the Carnatic, of Tippoo's sanguinary destruction of Colonel Baillie's detachment, Sir Hector Munro's disgraceful retreat to Madras, and the first failure of Lord Cornwallis against Seringapatam, rushed into Mr. Webbe's mind."—What wonder? Lord Mornington's letter contained an announcement of his "positive resolution to assemble the army upon the coast," "with a view of marching directly to Seringapatam;"—and there was nothing,

in the opinion of the oldest and ablest politicians in India, to save such an expedition at such a time from utter and ignominious failure.

General Harris, like an old soldier, prepared to obey orders : but he wrote an immediate protest to Lord Mornington, in a very deferential but a very convincing letter, setting forth, in plain practical statements, the difficulties to be encountered—difficulties which only old soldiers and statesmen, who have had the conduct of extensive Military operations, can fairly appreciate. The following extract from a letter, dated July 6th 1798, contains the substance of the objections which were to be urged against a precipitate attack on Tippoo's dominions :—

“ Revolving the subject in my mind most part of the night, the magnitude of the difficulties to be encountered in an attempt to strike a sudden blow against Tippoo, before he can receive any foreign aid by the cessation of the monsoon on the other coast, occurred to me so forcibly, and has by subsequent reflection become so deeply impressed upon my mind, that I should think myself culpable, if I did not mention my thoughts on the subject, even though your Lordship had not requested information from me. Although the same points have unquestionably occurred to your Lordship, yet the practical experience of them may readily be supposed to have made stronger impressions on my mind than any that could have been conveyed by a different way. The dilatoriness, indecision, and cowardice of our allies are beyond belief to those who have not been eye-witness to these qualities in them, and there is a moral assurance that not one of them will take the field, or be of the least use to us, even admitting that their own situation presented no obstacle to their joining us, until we have secured a position to cover their advance, or gained a decided advantage over Tippoo.

“ Thus they acted with Lord Cornwallis, and as that conduct was governed by principles which have undergone no change, a repetition of it must be expected. From these data, it is to be argued that any sudden blow must proceed entirely from ourselves, and this cannot, I conceive, be attempted without a very large reinforcement from Bengal, aided by the Bombay army. When the reinforcement from your presidency could join us I need not speak of ; but the Bombay army could not begin to assemble until the cessation of the monsoon on the other coast, the period at which I understand your Lordship had hoped the important object in view would be in an advanced state of accomplishment. The last is a difficulty that might, perhaps, be rendered of less importance by your Lordship's exertions in despatching a more ample force from Bengal ; but the difficulties which press us here are, I fear, insuperable. Draft and carriage cattle, even for the defensive army, in Statement No. 1, cannot be collected to enable us to do more than merely to reach the Barramahal before the monsoon in October, or to repel the incursion of an enemy.

“ No. 2, from Mr. Cockburn, the best-informed man, perhaps, in India on the subject, fixes nearly the same period even for the equipment of the defensive army ; but such a force as shall be capable of undertaking the siege of Seringapatam, with a reasonable prospect of success, could not, in all probability, reach the place before the 1st of February.

“ The last point I have to observe on, is certainly the most material,—the feeding of the army when it has arrived at the point we wish. This difficulty obliged Lord Cornwallis to relinquish the idea of besieging Seringa-

patam the first time he marched against it ; and but for the almost despaired-of co-operation of the Mahrattas, it would have been doubtful whether he would have ever been able to return to it again.

“These considerations, the little dependence to be placed in our allies, and the facility of communication with the Bombay army by Palagatcherry, joined to the importance of possessing the Coimbatore country, incline me at present to be of opinion that when we engage in this great undertaking, it will be advisable to do it to the southward, by attempting the Caverri-pooram Pass ; but this point, and the season for the junction of the armies of the different coasts, and for the final enterprise ;—how far the aid of the Nizam and Mahrattas, or one or other, may be essential to our success in the attack ;—whether it may be practicable to subsist our army during the siege without the assistance of those native powers ;—what posts should be secured for magazines, so as to have the shortest and most secure line of communication by which to receive supplies ;—and the grand subject of brinjaries, whether the native powers assist us or not ;—are considerations on which there is not now any time for me to enlarge further.”

But, as in duty bound, General Harris continued to make every possible preparation for the assembling of the army and commencement of hostilities. It was a solace to him to think that the responsibility of the war did not rest upon his shoulders. “Amidst the trouble of my present situation,” he wrote to Lord Mornington, “it is indeed a great consolation to me ‘that the momentous duty of determining whether we must ‘endure the calamity of war, or remain peaceful, as we now ‘are, does not belong to me, but is entrusted to a person so ‘well qualified to decide it.” Lord Mornington continued to write from Calcutta that the war was to be commenced with the utmost promptitude ; whilst General Harris continued to set forth, with deference but firmness, that to prosecute the war without money was impossible, and that he absolutely had no money at Madras. Still he exerted himself strenuously, and in spite of the importunities and remonstrances of the other members of Council, (who saw, with equal clearness, the insanity of the contemplated movement, and had not the same soldierly motives to implicit obedience to superior authority,) set to work, with such hearty good will, that not even the want of money could stay it, for he declared his intention, when the Council opposed a vote of public money, to supply funds, or to be security for the repayment of them to the treasury, out of his own finances. “Objections were, as I expected, started,” wrote General Harris to the Governor-General, “but as I declared my resolution to take the measure upon myself, and execute it with my own funds, if no public money could be obtained, the opposition was silenced, and the measures necessary for putting the troops in motion were instantaneously adopted.” The letter in which this passage occurs, was written on the 1st of August ;—but, some weeks

before Lord Mornington received it, that nobleman, having been convinced of the folly of attacking, with insufficient resources at his command, so formidable an enemy as Tippoo Sultan, wrote a long and able letter to General Harris, confessing that, although he had meditated an immediate hostile advance upon Seringapatam, he now perceived the impracticability of such a measure; and had, therefore, determined to postpone offensive operations, until such time as the army was in a fit state to encounter, with every prospect of success, the Mysorean army under the walls of the capital. "My decided opinion was and is," wrote the Governor-General to General Harris, "that every practicable reduction of the power of Tippoo was and is warranted by the principles of justice, and demanded by those of policy; and I therefore determined in the first instance to endeavour to anticipate the execution of his projects of vengeance, by attacking him on all sides without delay, and thus intercepting his means of availing himself of the solicited aid of France, or of any other assistance which might be presented to him by the variable course of Indian politics. But I never proposed to undertake any attack upon him, of which the success could be doubtful in the judgment of those whose opinions must always govern my discretion on every question of military detail; and although my judgment remains unaltered, with respect to the justice, policy, and even indispensable necessity of an effectual reduction of Tippoo's power, I have not undervalued the practical difficulties of such an attempt at the present moment. .... Your letter, together with the opinions of Colonel Close, confirmed the decision which I had already taken, and proved that any effectual blow against the power of Tippoo must be deemed utterly impracticable under the present circumstances of the army at your Presidency." This was equally sensible and candid; and altogether worthy of the man.

In the same remarkable letter, the new Governor-General expresses his astonishment—and more than astonishment—at the tardiness with which an Indian army is set in motion. "If," he said in effect, "the coast army cannot be got ready for service within a certain time, all I can say is, that the fact, which of course I cannot question, as you assert it, is a very discreditable one." And then he added an expression of a settled determination to remedy at once an evil of such magnitude. "This," he said, "is a most serious consideration to me, who am charged with the arduous responsibility of preserving from injury every part of the British empire in India. I am

‘ determined not only to apply an immediate remedy to this  
 ‘ evil, but to encounter the expense which I know must be  
 ‘ incurred, in providing a permanent security against the  
 ‘ future return of the peril of our present situation. With  
 ‘ this view, I mean to record my sentiments in the Secret  
 ‘ Department upon the difficulties which obstruct the move-  
 ‘ ment of your army. This step will be followed by a direction  
 ‘ to your Government to report to me in Council the most  
 ‘ eligible plan for enabling the army on the coast to be in  
 ‘ constant readiness to take the field expeditiously upon any  
 ‘ sudden emergency. On your report, combined with such  
 ‘ information as I shall receive from the Commander-in-chief  
 ‘ and from the authorities here, I purpose to ground a perma-  
 ‘ nent system for the necessary purpose already stated.”—  
 There is a touch of the *griffin* in all this. Half a century has  
 passed away since the above sentences were written, and yet  
 India has seen nothing of the “permanent system,” which is  
 here so confidently promised. An Indian army never is “in  
 readiness to take the field on any sudden emergency.” A  
 sudden emergency, like the great outbreak in Affghanistan,  
 arises, and months pass away before even a single brigade,  
 and that imperfectly equipped, can be got ready for active  
 service. We wonder what the Marquis of Wellesley thought  
 of his “permanent system” in the winter of 1841-42.

(On the 21st of August, Lord Clive, having been appointed to  
 the Governorship of Madras, arrived at that Presidency; and  
 General Harris was relieved of the responsibilities of the civil  
 Government.) Lord Clive saw at once that the representations  
 of the inefficiency of the Madras army for immediate service,  
 which had been made to the Governor-General, were founded  
 upon a correct estimate of the actual state of affairs; but,  
 like his predecessor, he declared his intentions to do all that  
 possibly could be done, to manifest “the most cordial co-opera-  
 tion, and the most zealous and scrupulous attention to the  
 wishes of the Supreme Government;” and soon the condition  
 of affairs began to assume a more promising aspect.

(Soon after the arrival of Lord Mornington, General Harris,  
 acting under instructions received from the Governor-General,  
 had despatched a brigade to Hyderabad, the object of which  
 movement was the suppression of French influence in the  
 Dekhan. The Hyderabad Court was so much under the domi-  
 nion of French ascendancy, that the British Government could  
 hope for little assistance, in the coming war, from such an ally.  
 The movement was crowned with success. The Nizam, on the  
 appearance of the British troops at Hyderabad, was not long

in coming to a determination to dismiss the French officers in his service; he had the sagacity to side with the stronger party;—and to render himself, at least in appearance, a willing and effective ally. This was the beginning of our successes—from this time the progress of our political measures advanced steadily towards a brilliant consummation.) There was no want of energy apparent in any quarter. In Lord Clive the Governor-General found an able and zealous coadjutor; and when, at the close of the year, Lord Mornington arrived at Madras, he “had the satisfaction of seeing all hearts and hands united for the furtherance of his wise and vigorous counsels.” The command of the great expedition against Mysore was entrusted to General Harris, who, with rare modesty, mistrusting his own powers, suggested the expediency of conferring the chief command on Sir Alured Clarke, then Commander-in-Chief of the army in India, and at that time in Calcutta. The Governor-General recommended Harris not hastily to decline a command, which might lead him to fame and fortune; but to take a night to consider the great offer that had been made to him, and to give in his reply on the morrow. “Happily ‘for the general,” writes Mr. Lushington, “and for all connected with him, his confidence was re-established by the Governor-General’s kind reception of his modest doubts of his own sufficiency, and by earnest prayer to the Giver of all victory, that he might be endowed with the powers necessary for this great undertaking. His fine cheerful countenance, when he returned to Lord Mornington in the morning, so plainly spoke the result of his night’s reflections, that before he could give utterance to them, the noble Earl, by anticipation, congratulated him upon his decision, in that frank and generous spirit, which won the hearts of all who approached him, and made them serve in all his counsels in India, as fervently as if they had been of their own suggestion.”

“From this moment,” adds Mr. Lushington, “every arrangement prospered.” The want of money had been a grievous stumbling-block; but what the public treasury could not supply, private patriotism and liberality readily advanced. The Governor-General set the example by subscribing a lakh and twenty thousand rupees towards a new loan;—an example which was nobly followed by a large number of European and native money-holders; and thus, from private sources, within a short time, a considerable sum was raised, to defray the expenses of the war. Thus treasure was found. Stores of all kinds had been collected;—carriage had been drawn from every part of the country; and the scattered components of the coast army

gathered into one effective whole, well organised, well equipped,—and well commanded.

(The Head-quarters of the Army were fixed at Vellore; and on the 29th of January, General Harris assumed command. The season was far advanced for the commencement of such an expedition, and Harris could not contemplate the work before him without some gloomy forebodings. The disastrous retreat of the army under Lord Cornwallis some eight years before—a calamity of which the General had been a witness and a partaker—recurred forcibly to his recollection;—the evil consequences of a scarcity of carriage and provisions in the enemy's country were ever present to his mind;—and he steadfastly resolved that nothing should draw him aside from the main object of his expedition—nothing induce him to waste his time and his resources on the march to Seringapatam. It was his fixed resolve to march straight upon the capital, never pausing, unless compelled by the positive opposition of Tippoo's army intercepting his line of march, to strike a single blow by the way. To this resolution he steadily adhered. The army commenced its march.) It was a splendid force. "The army of the Carnatic," wrote Lord Mornington to General Harris, "is unquestionably the best appointed, the most completely equipped, the most amply and liberally supplied, the most perfect in point of discipline, and the most fortunate in the acknowledged experience and abilities of its officers in every department, which ever took the field in India." (On the 6th of March this fine army, accompanied by the Nizam's contingent, had crossed the frontier of Tippoo's dominions, and on the following morning it commenced its march upon Seringapatam.

On the 4th of April, the British army were encamped in sight of the celebrated strong-hold of Tippoo Sultan.) The march had been a difficult and a distressing one. The cattle attached to the army of the Carnatic had died off by scores. The loss of carriage had necessarily been attended by a considerable loss of commissariat and ordnance stores; and there being no possibility, in the heart of the enemy's country, of obtaining fresh cattle to supply the place of those which had fallen dead by the way-side, it was at one time feared that the European soldiers would be necessitated to take the place of the draft bullocks, and drag the heavy ordnance along the remainder of the way to Seringapatam. Fortunately, however, (Tippoo in the first instance had come to the determination of attacking the auxiliary force advancing from the Bombay side; and it was not until the 27th of March, that the grand



army under General Harris was engaged with the enemy. This engagement took place at Malavelly, whither Tippoo had despatched a force to intercept the progress of the British ; and was the precursor of a career of victory. ) Tippoo's troops, after much hard fighting, and a fine display of British generalship, were dispersed ;—but the British force was not in a condition to follow up the success, by a pursuit of the enemy, whose loss in the affair is, however, estimated at 2,000. ( On the following day, General Harris steadily continued his march towards the banks of the Cavery, and halted at Angarapooram. Here he came to the resolution of abandoning the direct road, and crossing the river near Soosilly, so as to attack the western front of Seringapatam, and at the same time facilitate the junction with the Bombay troops. This masterly project was put into execution, and crowned with complete success. Whilst Tippoo was looking for the advance of the British along the direct road to Seringapatam which had been taken by Lord Cornwallis, the British troops were crossing the Cavery and encamping near the fort of Soosilly. When the Sultan discovered that he had been so completely out-generaled, he was filled with alarm and despair. Summoning his principal officers, he exclaimed, " We have arrived at our last stage—what now are we to do ?—What is your determination ?" They all replied that they would die with him.

It would be difficult to over-estimate the delight and gratitude of General Harris, on finding himself, with his fine army and splendid battering train, under the walls of Seringapatam. The march had been long and hazardous ; the *impedimenta* of the expedition far more cumbrous than any that had ever accompanied an Anglo-Indian army in the field. An untoward check might at any hour have baffled all the plans of the British Government, and sent back this immense army to the point from which it started, after enduring all the misery of a long, disastrous, and discreditable retreat. It was necessary that the force should reach Seringapatam within a certain time ; an obstruction of a few weeks would have rendered it impossible for any human combination of energy and skill to bring the war to a successful termination. Had the march of General Harris been lengthened out until the setting in of the monsoon, he must have retired, *re infectâ*, across the confines of the Company's dominions. But now the proud heights of that renowned fortress from which Tippoo had so long snorted defiance at the British Government, rose up before the eyes of the delighted commander. There was great work for him to do, and under Providence, he felt equal to its accomplishment.)

It would occupy too much of our space were we to attempt to lay before our readers all the minute details of the assault and capture of Seringapatam. We must, therefore, content ourselves with a brief notice of some of the leading passages of this memorable chapter of Indian History. The first incident of the siege was the attack on the Sultan-pettah tope, which stood in front of a new and well-constructed line of entrenchments with which Tippoo, since the last war, had increased the strength of his position. On the night of the 4th of April, General Harris ordered out a detachment under General Baird to beat up this tope. On this occasion nothing was effected. General Baird found the tope unoccupied, and lost his way on returning to camp.\* On the following day another attempt was made to obtain possession of the Sultan-pettah tope, by two parties under Colonel Shawe and Colonel Wellesley (the Duke of Wellington)—But the attempt was not crowned with success. This also was a night-attack; and, as General Harris wrote in his Private Journal, “night attacks so often fail.” The two parties marched out of camp about eight o’clock;—and for some hours the Commander-in-chief was left in a distressing state of anxiety, as he had reason to suppose that the two detachments were firing on each other. The failure is thus briefly recorded in the General’s Diary:—

“6th April, 1799. Remained under great anxiety till near twelve at night, from the fear our troops had fired on each other. Lieutenant-Colonel Shawe very soon reported himself in possession of the post, but a second firing commenced, and as he had previously sent to know what had become of the two Native battalions, I could not be satisfied but that, in the dark, they had mistaken each other. It proved that all the firing was from the enemy; his Majesty’s 12th Regiment scarcely firing a shot the whole night. Near twelve, Colonel Wellesley came to my tent in a good deal of agitation, to say he had not carried the Tope. It proved that the 33rd, with which he attacked, got into confusion, and could not be formed, which was great pity, as it must be particularly unpleasant to him. Altogether, circumstances considered, we got off very well. General Baird’s expedition of last night so far answered our expectations, as he fell in with a small party of the enemy’s horse, and cut up eight or ten of them, which will tend to prevent their plaguing us with rockets, I trust. He missed his road coming back, although one would have thought it impossible; no wonder night attacks so often fail.”

On the morning of the 6th, General Harris determined to risk no more night attacks, but to send a brigade, in open day, to occupy the tope. Colonel Shawe’s detachment was still in

\* It has been noticed, as an instance of one of the many *practical* uses of Astronomy even in its humblest form, that Baird was put in the right direction, by Lieutenant, afterwards Colonel Lambton of the great Trigonometrical Survey, who convinced the General by explaining to him the position of the Stars, that he was proceeding in the wrong direction.

possession of the ground, which he had taken on the preceding night, but it was obvious that the enemy were making preparations on a large scale to attack this post and to strengthen the party in possession of the tope. Accordingly the Scotch brigade, with two battalions of Sepoys, were ordered out for service, under the command of Colonel Wellesley; but when the troops were ready to march, Colonel Wellesley was not to be found. As there has been much misunderstanding of this matter—and not a little misrepresentation, we give Mr. Lushington's account of the incident, for its veracity cannot be questioned:—

“When all was ready, Colonel Wellesley was not present; and as General Harris had ordered that he should command, he could not comprehend why he was absent; especially when so much time had elapsed, whilst the additional forces were marching down to their allotted stations.

“After waiting a little longer, and inquiring from his staff what could be the reason of Colonel Wellesley's absence, General Harris became uneasy, and apprehensive that the favourable moment for the attack would be lost; and he directed General Baird, who was on the spot, to take the command and proceed to the attack. General Baird immediately drew his sword, and, turning his horse, rode towards the column for this purpose. He had not moved many paces, when General Harris called him back, and said, “On further consideration, I think that we must wait a little longer for Colonel Wellesley,” in which General Baird expressed his hearty concurrence.

“Colonel Wellesley appeared in a few moments afterwards, having, by an omission in the Adjutant-General's office, been only just then warned for the duty. He instantly took the command of the troops, and proceeded to the attack.”

To this we subjoin Sir David Baird's own account, as authenticated by Colonel Shawe:—

“The statement is very incorrect, although there is a mixture of truth in it, and it is especially very unjust to Lord Harris. The facts are these. The troops destined for this service were assembled early on the morning of the 6th April. General Harris was on the spot on horseback, and several officers of rank, as well as myself, were present as spectators. But Colonel Wellesley was absent, although it was generally understood that he was to command the attack. We afterwards learnt that, by some accident, Colonel Wellesley was not warned for that duty, and, of course, he did not attend, but waited in his tent for the usual order or summons.

“As the morning advanced, General Harris became impatient and apprehensive that the favourable moment for the attack would be lost by further delay; and he directed me to take the command, and proceed to the attack. I certainly was surprised and embarrassed by this unexpected order, which I felt would interfere with Colonel Wellesley. But I need not remark to you, or to any soldier, that it would have been impossible for me to show any hesitation, or to make any observation, upon receiving an order from the Commander-in-Chief to proceed forthwith and assume an arduous and honourable service.

“I made no reply, but drew my sword, and, turning my horse, I rode towards the column. I had not moved many paces, when General Harris called me back, and said, “I think, upon reflection, that we must wait a little longer for Colonel Wellesley.”

“ I then expressed to General Harris, in the hearing of all around us, my great satisfaction at this determination, because I felt that it could not fail to be painful and mortifying to Colonel Wellesley, if any other person was employed to complete the operation which he had begun.

“ General Harris's mind was obviously influenced by the same reflections, when, of his own accord, he recalled me, and it is therefore unjust to ascribe to any one else, whatever merit may belong to it.

“ Colonel Wellesley (who I presume was sent for as soon as the mistake was discovered,) appeared in a few moments afterwards, and, taking the command of the troops, he led the attack, which, in a short time, was completely successful.”

“ In the hand-writing of MEYRICK SHAW, Colonel.”

“ The third attempt upon the tope was completely successful. The enemy were driven from their position; and the work, in the words of Colonel Close, the Adjutant General, “ done in high style and without loss.” The tope carried, Colonel Shawe let slip the 12th regiment, which had been kept in hand, and which now, eager for the affray, bayoneted large parties of the enemy, who were endeavoring to form themselves on the banks of an adjacent nullah. The success of the 7th of April was complete;—the gain to the British cause scarcely to be too highly appreciated. We had obtained an advanced position, calculated, in no ordinary measure, to advance the future operations of the siege. From this time every thing progressed favorably towards “ glorious consummation. Occasional fears of a scarcity of provision harrassed the mind of the commander—but these were but transient clouds.

“ On the 16th, General Harris received the chief engineer's plan for the attack on the western angle of the Fort. The active operations of the siege now commenced in good earnest. The out-posts of the enemy were attacked, and carried with very little loss. Tippoo soon began to manifest the alarm, which he had all along entertained, and to ask why the English had come to molest him. Terms were spoken of;—but the British having proceeded so far, and with such prospects of full and entire success, were not in a position to accede to any terms but those of their own dictation. The conditions proposed startled Tippoo. He would not accede to them; but sealed his fate by refusal. The operations of the siege were continued; and on the 30th of April a British battery was playing with good effect on the walls of Seringapatam. On the 2d of May, another breaching battery opened upon the Fort;—and on the 3rd the breach was reported practicable. The Commander-in-chief then issued orders for the assault, on the following day; the storming party was told off, and every preparation made for the capture of the stronghold of the once formidable Sultan.”

The command of the storming party was, at his own request, entrusted to General Baird. It was told off into two columns, of which Colonel Sherbrook commanded the right, and Colonel Wellesley the left. What followed we cannot detail better than in the language of the book now before us:—

“Major-General Baird engaged with his wonted ardour in a duty so congenial to his gallant nature, and before the morning dawned, all the troops ordered for the assault were quietly lodged in the trenches.

A heavy fire had been kept up all night from our batteries, which prevented the enemy doing anything at the breach, and at daylight it was reported by the chief engineer to be practicable. Every preparation having been thus made, and no extraordinary movement on the part of the enemy having indicated their expectation of the assault, all were eager for the signal. The hour appointed by the Commander-in-Chief for the storm, one o'clock, had nearly arrived, when, a little before this time, while General Harris was sitting alone in his tent, anxiously reflecting upon the course he had resolved upon, if the Sultan should succeed in beating off the first assailants, Captain Malcolm (afterwards Sir John Malcolm) came into his tent, and seeing him full of thought, cheerily exclaimed, “Why, my Lord, so thoughtful?” “Malcolm,” said the General sternly, “this is no time for compliments: we have serious work on hand; don’t you see that the European sentry over my tent is so weak from want of food, and exhaustion, that a Sepoy could push him down?—we must take this fort, or perish in the attempt. I have ordered General Baird to persevere in his attack to the last extremity; if he is beat off, Wellesley is to proceed with the troops from the trenches: if he also should not succeed, I shall put myself at the head of the remainder of the army, for success is necessary to our existence.”\*

{The important moment of assault had now arrived; at half-past one o'clock General Baird stepped out of the trenches, drew his sword, and gallantly exclaimed, “Now, my brave fellows, follow me, and prove yourselves worthy of the name of British soldiers.”

The flank companies instantly rushed out of the trenches, followed by the supporting corps, and under the cover of a heavy fire from our batteries, entered and crossed the river, assailed by rockets and musquetry from the Fort. The forlorn hope of each attack consisted of a serjeant and twelve Europeans, who were followed by two subaltern’s parties; that of the right Column was commanded by Lieutenant Hill, of the 74th Regiment, that of the left by Lieutenant Lawrence, of the 77th Regiment. The forlorn hope was accompanied also by John Best, (of whom I have before made mention,) who could not be restrained by his former master, the Commander-in-Chief, from joining in this perilous service. He was severely wounded in the bed of the river, but sat on a rock cheering the flank companies of the two attacks, as they passed, headed by Colonel Sherbrooke and Lieutenant-Colonel Dunlop. A brigade of engineers, under Captain Caldwell, now Sir James Lillyman Caldwell, an officer of distinguished science and gallantry, accompanied the storming party, but he also was wounded in crossing the river. Both the attacking parties ascended the glacis and the breaches in the *fausse-braye* together. Some opposition was made, but the enemy were soon repulsed or cut down. In six minutes the forlorn hope, closely followed by the front companies of the two divisions, reached the summit of the breach,

\* This anecdote was told to me in 1813 by Sir J. Malcolm, and amongst the late Lord Harris’s papers I found a letter of mine reminding him of it

where the British colours were instantly displayed. This was, indeed, a glorious sight. Lieutenant-Colonel Dunlop was here wounded in the hand, and was obliged to remain behind from loss of blood. General Baird, having ascended with the flank companies of the right attack, was now on the ramparts, when the leading companies of the two divisions took their respective routs along the northern and southern ramparts, succeeded by the other troops who were yet under a heavy fire while crossing the river.

The right attack under Colonel Sheerbrooke marched rapidly forward on the southern rampart, according to the order prescribed by the Commander-in-Chief for the assault, and met with little opposition until they came to the Mysore gateway, when a large body of the enemy endeavoured to oppose their getting within the interior rampart, but they were driven out with great slaughter. Lieutenant Shawe fell here, and a number of Europeans were killed and wounded. Having forced the gateway, Colonel Sherbrooke continued his march, and gained possession of all the rest of the cavaliers with very inconsiderable loss, hoisting the British colours as he went along as signals of success and victory.

The flank companies of the European corps on the other attack meeting with more resistance, their progress was much slower; some of the traverses were obstinately defended, for Tippoo himself was here present, and led on that fire, by which their front was frequently brought to a stand. But a part of the 12th Regiment having got across the ditch, found its way within the parapet where the enemy were posted, and drove them out; their fire, and that of the companies in front of the left, soon cleared the rampart, and the fugitives who were not shot or drowned in the ditch crowded into a gateway. Before they had time to get off, they were met by part of the 12th Regiment, and between their fire and that of the troops on the main rampart, multitudes lost their lives. The two divisions, as they respectively passed along the north and south ramparts, overcame all opposition, destroying those within their reach. Neither officers nor men knew when they could with safety arrest the hand of victory, for both had been taught, by mournful experience, that there was no hope of mercy from Tippoo, or of peace with him, or those under his command, whilst his power and life remained. The path of the soldiers was therefore destructive and sanguinary. Thousands fell by their hands—indeed, the carnage did not cease, until the two divisions joined on the eastern rampart. All resistance was here at an end, for the whole works of the fortress were now in possession of our troops: nothing remained to be taken but the palace of Tippoo. Here the utmost confusion prevailed; for the family of the Sultan knew not what had befallen him since he left them in the morning. A report had, indeed, been brought to the killedar that he had been shot, and was lying dead under one of the gateways; but whilst uncertain of his destiny, they did not dare to open the gates of the palace without his permission. For themselves, too, they feared a dreadful retaliation from our soldiers, in consequence of the cold-blooded murder, by Tippoo's express orders, a few days before, of twelve of the grenadiers of the 33rd Regiment who had fallen into his hands; much address was therefore required to calm their apprehensions, and induce them to open the gates of the palace to the British troops, who were drawn up on the outside, prepared either to storm the walls, or to take peaceful possession. <

Happily the person employed by General Baird upon this duty was pre-eminently fitted to perform it with success. Major Allan (afterwards Sir Alexander Allan), of whom the Commander-in-Chief speaks, in his account of the battle of Mallavelly, as delighting him by his animation, was deputed on this service. Nature had given to Major Allan a heart, a form, and a

countenance admirably fitted for this humane duty. He had, besides, leamed and practised his profession under the eyes of Medows and Cornwallis. Medows had taught him that "an enemy conquered is an enemy no more," and the whole career of Lord Cornwallis in India was a beautiful illustration of that divine precept which teaches us—

That earthly power does then shine likest God's,  
When mercy seasons justice.

Major Allan performed his duty in the manner thus simply and modestly described by himself:—"Having fastened a white cloth on a serjeant's pike, I proceeded to the palace, where I found Major Shee and part of the 33rd Regiment drawn up opposite the gate; several of Tippoo's people were in a balcony, apparently in great consternation. I informed them that I was deputed by the General, who commanded the troops in the Fort, to offer them their lives, provided they did not make resistance, of which I desired them to give immediate intimation to their Sultan. In a short time the killedar, another officer of consequence, and a confidential servant, came over the terrace of the front building, and descended by an unfinished part of the wall. They were greatly embarrassed, and appeared inclined to create delays, probably with a view of effecting their escape as soon as the darkness of the night should afford them an opportunity. I pointed out the danger of their situation, and the necessity of coming to an immediate determination, pledging myself for their protection, and proposing that they should allow me to go into the palace, that I might in person give these assurances to Tippoo. They were very averse to this proposal, but I positively insisted on returning with them. I desired Captain Schoey, who speaks the native languages with great fluency, to accompany me and Captain Hastings Fraser. We ascended by the broken wall, and lowered ourselves down on a terrace, where a large body of armed men were assembled. I explained to them that the flag which I held in my hand was a pledge of security, provided no resistance was made; and the stronger to impress them with this belief, I took off my sword, which I insisted on their receiving. The killedar and many others affirmed that the princes and the family of Tippoo were in the palace, but not the Sultan. They appeared greatly alarmed, and averse to coming to any decision. I told them that delay might be attended with fatal consequences, and that I could not answer for the conduct of our troops by whom they were surrounded, and whose fury was with difficulty restrained. They then left me, and shortly after I observed people moving hastily backwards and forwards in the interior of the palace: I began to think our situation rather critical. I was advised to take back my sword, but such an act on my part might, by exciting their distrust, have kindled a flame which in the present temper of the troops, might have been attended with the most dreadful consequences—probably the massacre of every soul within the palace walls. The people on the terrace begged me to hold the flag in a conspicuous position, in order to give confidence to those in the palace, and prevent our troops from forcing the gates. Growing impatient at these delays, I sent another message to the princes, warning them of their critical situation, and that my time was limited. They answered, they would receive me as soon as a carpet could be spread for the purpose; and soon after the killedar came to conduct me.

"I found two of the princes on the carpet, surrounded by a great many attendants. They desired me to sit down, which I did, in front of them. The recollection of Moize U'Deen, who, on a former occasion, I had seen delivered up, with his brother, hostages to Marquis Cornwallis, the sad

reverse of their fortunes, their fear, which, notwithstanding their struggles to conceal, was but too evident, excited the strongest emotions of compassion in my mind. I took Moize U'Deen (to whom the killedar, &c., principally directed their attention) by the hand, and endeavoured, by every mode in my power, to remove his fears, and to persuade him that no violence should be offered to him or his brother, nor to any person in the palace. I then entreated him, as the only means to preserve his father's life, whose escape was impracticable, to inform me of the spot where he was concealed. Moize U'Deen, after some conversation apart with his attendants, assured me that the Pādshah was not in the palace. I requested him to allow the gates to be opened. All were alarmed at this proposal, and the princes were reluctant to take such a step, but by the authority of their father, to whom they desired to send. At length, however, having promised that I would post a guard of their own Sepoys within, and a party of Europeans on the outside, and having given them the strongest assurances that no person should enter the palace but by my authority, and that I would return and remain with them until General Baird arrived, I convinced them of the necessity of compliance, and I was happy to observe that the princes, as well as their attendants, appeared to rely with confidence on the assurances I had given them.

"On opening the gate, I found General Baird and several officers, with a large body of troops assembled. I returned with Lieutenant-Colonel Close into the palace for the purpose of bringing the princes to the General. We had some difficulty in conquering the alarm and objections which they raised to entering the palace; but they at length permitted us to conduct them to the gate. The indignation of General Baird was justly excited by a report which had reached him soon after he had sent me to the palace, that Tippoo had inhumanly murdered all the Europeans who had fallen into his hands during the siege; this was heightened, probably, by a momentary recollection of his own sufferings during more than three years' imprisonment in that very place: he was, nevertheless, sensibly affected by the sight of the princes, and his gallantry on the assault was not more conspicuous, than the moderation and humanity which he displayed on this occasion. He received the princes with every mark of regard, repeatedly assured them that no violence or insult should be offered to them, and he gave them in charge to Lieutenant-Colonel Agnew and Captain Marriott, by whom they were conducted to head-quarters in camp, escorted by the light company of the 33rd Regiment; as they passed, the troops were ordered to pay them the compliment of presenting arms.

"General Baird now determined to search the most retired parts of the palace, in the hope of finding Tippoo. He ordered the light company of the 74th Regiment, followed by others, to enter the palace-yard. Tippoo's troops were immediately disarmed, and we proceeded to make the search through many of the apartments. Having entreated the killedar, if he had any regard for his own life, or that of his Sultan, to inform us where he was concealed, he put his hands upon the hilt of my sword, and in the most solemn manner protested that the Sultan was not in the palace, but that he had been wounded during the storm, and lay in a gateway on the north face of the Fort, whither he offered to conduct us, and if it was found that he had deceived us, said the General might inflict on him what punishment he pleased. General Baird, on hearing the report of the killedar, proceeded to the gateway, which was covered with many hundreds of the slain. The number of the dead, and the darkness of the place, made it difficult to distinguish one person from another, and the scene was altogether shocking; but aware of the great political importance of ascertaining, beyond the possibility of doubt, the death of Tippoo, the bodies were ordered to be drag-



ged out, and the killedar and the other two persons were desired to examine them one after another. This, however, appeared endless, and as it was now becoming dark, a light was procured, and I accompanied the killedar into the gate-way. During the search, we discovered a wounded person lying under the Sultan's palanquin; this man was afterwards ascertained to be Raja Cawn, one of Tippoo's confidential servants; he had attended his master during the whole of the day, and on being made acquainted with the object of our search, he pointed out the spot where the Sultan had fallen. By a faint glimmering light it was difficult for the killedar to recognise the features, but the body being brought out, and satisfactorily proved to be that of the Sultan, was conveyed in a palanquin to the palace, where it was again recognised by the eunuchs and other servants of the family.

"When Tippoo was brought from under the gateway, his eyes were open, and the body was so warm, that for a few moments, Colonel Wellesley and myself were doubtful whether he was not alive. On feeling his pulse and heart, that doubt was removed. He had four wounds, three in the body, and one in the temple, the ball having entered a little above the right ear, and lodged in the cheek. His dress consisted of a jacket of fine white linen, loose drawers of flowered chintz, with a crimson cloth of silk and cotton round his waist; a handsome pouch, with a red and green silk belt, hung across his shoulder, his head was uncovered, his turban being lost in the confusion of his fall; he had an amulet on his arm, but no ornament whatever.

"Tippoo was of low stature, corpulent, with high shoulders, and a short thick neck, but his feet and hands were remarkably small, his complexion was rather dark, his eyes large and prominent, with small arched eye-brows, and his nose aquiline: he had an appearance of dignity, or perhaps of sternness, in his countenance, which distinguished him above the common order of people."

The fact of the Sultan's death having been thus established beyond all doubt, Major-General Baird immediately directed Major Beatson to communicate to the Commander-in-Chief his request, that himself and the storming party might be relieved that night, as they were much fatigued with the labours of that important day. Major Beatson, accordingly, hastened to convey the Major-General's request to head-quarters, and General Harris at once directed the Deputy Adjutant-General, Major Turing, who was sitting in his tent, to put the officer next for duty in orders, to relieve Major-General Baird; and Colonel Wellesley being that officer, proceeded into the Fort for this purpose early the next morning."

It was this appointment of Colonel Wellesley to the command of Seringapatam, after the capture of the place,\* which has led to so much controversy. The facts are simply these. On the evening of the 4th of May, on which day Seringapatam

\* In the second part of Colonel Outram's "Commentary" (just published) on Napier's *Intense Romance*, entitled the "Conquest of Scinde," the author, referring to the indignities which were heaped on the Ameers and their families, when Hyderabad fell into our hands, exclaims, "How different was the treatment experienced by the family of our hereditary and implacable foe, Tippoo Sultan, after the capture of Seringapatam;" and he quotes a document, bearing Lord Mornington's name, in which the writer says "It has afforded me peculiar satisfaction on this important occasion to learn that every possible attention has been shown to the families of Tippoo Sultan, and those of his chiefs."

was carried by assault, General Baird, who commanded the storming party, applied to be relieved, on the ground that the party which had captured the place, were so fatigued as to be unfit for garrison duty. In accordance with this requisition, General Harris inquired, from the Deputy-Adjutant-General, what officer was next for duty. He was told that the name of Colonel Roberts stood next on the roster; but, presently correcting himself, the D. A. G. said, that Colonel Wellesley's name stood before that of Colonel Roberts. General Harris, who had on the mention of that officer's name commanded him (Colonel R.) to be sent to the relief of General Baird, now ordered Colonel Wellesley to be sent, as the officer next for duty. Colonel Wellesley, accordingly, went, expecting in his turn to be relieved; but finding that this constant relief of the troops in Seringapatam would retard the settlement of affairs in the fortress, he suggested to General Harris that it would be expedient to appoint a permanent garrison and a permanent Commandant. Upon this Colonel Wellesley was appointed Commandant of the garrison of Seringapatam. General Baird, thinking himself aggrieved by this appointment, addressed a letter of remonstrance to the Commander-in-Chief; and was, for this act, severely reprimanded by General Harris. The reprimand was well merited, for the tone of the letter cannot be defended by any one acquainted with the nature of that military loyalty, without which the discipline of no army can be preserved. General Baird, unquestionably, committed himself;—but we are not equally sure that he ought not to have been appointed Commandant of the garrison of Seringapatam.

That Colonel Wellesley was appointed to relieve General Baird, because his name stood next on the roster, is a fact not to be questioned:—but General Harris has nowhere declared that the Colonel was appointed to the *permanent* command of the garrison, because he happened to be temporarily holding it at the time, when it was first determined to appoint a permanent Commandant. On the contrary, the Commander-in-Chief distinctly declared in a letter to the Governor-General, dated June 28, 1799, "He (Col. Wellesley) was afterwards permanently appointed by me, from my thinking him more equal to the particular kind of duty than any other officer of the army;" Colonel Wellesley was, therefore, selected for command; the command did not fall to him, in his tour of duty. It is useless, therefore, to show that his name was next on the roster to that of General Baird, for the fact only proves that when an officer was to be sent into the Fort, on temporary command, there was no selection; whilst, on the other hand, as soon as a permanent

appointment was determined upon, (and that appointment was suggested by Col. Wellesley himself) the command, no longer one of mere routine, but an office of high honor, was bestowed on one especially selected by the Commander-in-Chief. Colonel Wellesley was, as General Harris declared, "permanently appointed" to the command of Seringapatam, as the officer presumed to be best qualified to hold it;—and as a special command, and one, indeed, under the circumstances of the case not of a purely military nature, General Harris was justified in making a selection. But the friends of General Baird may allege, and not without some show of truth, that he was, in every respect, qualified for the performance of the duty which was entrusted to Colonel Wellesley; and that his claims were superior to those of the latter officer is not to be denied. The letter, which General Baird addressed to the Commander-in-Chief, proved him to be somewhat deficient in the "discretion, judgement, and temper," which, according to the Governor-General, constituted his brother's peculiar fitness;\* but that unfortunate letter had not been written when he was passed over, but was the consequence of his supercession. If General Baird was equal to the performance of the peculiar duty involved in the commandantship of Seringapatam, his claims were of such a nature that they ought not to have been disregarded. We do not estimate those claims so highly as Mr. Hook and others; but we think that Mr. Lushington has somewhat under-valued the General's services. The Governor-General, speaking of these services, declared with reference to the storming of Seringapatam that "a more judicious operation, conducted with more heroic gallantry and spirit, never was achieved."

That the officer selected by General Harris shone forth, in his appointed time, as the foremost man of all the world, is nothing to the purpose of the argument; we have only to regard him as he was on the 4th of May, 1799; and there was nothing at that time to render his claims to preferment, above all the other officers of the grand army, apparent to his comrades, whatever they may have been to his brother and his chief. That he was appointed to the command of Seringapatam, simply because he was the brother of the Governor-General, we do not assert, because we do not believe:—but we cannot say we are surprised that this should have been whispered through the army; nor are we surprised that General Baird should have considered himself unjustly superseded by

\* Lord Mornington wrote to General Harris, "My opinion, or rather knowledge and experience, of his discretion, judgment, temper, and integrity, are such, that if you had not placed him in Seringapatam, I *would* have done so."

an officer considerably his junior, who had taken no prominent part in the assault and capture of Seringapatam.

Having made himself master of several smaller forts, belonging to the Mysore Government, and established tranquillity throughout the country, General Harris, after appointing Colonel Wellesley to command in the conquered country, returned to the Presidency, where he had the gratification of meeting the Governor-General before embarking for Calcutta. Soon after the departure of Lord Mornington, but not before he had received the thanks of Parliament and the Court of Directors, General Harris returned to England.

Nothing can be more inexplicable to the present age, of which one of the most notable characteristics is the cheerful alacrity with which both the Court of Directors and Her Majesty's Government bestow their rewards upon the men who fight their battles, than the neglect which General Harris and his officers were for some time doomed to experience. The Governor-General had written to the Home authorities, with generous urgency, in behalf of the claims of Generals Harris, Baird, Floyd, &c.—but years passed away and still these officers were unrewarded. "There must be something very disqualifying," wrote General Floyd to Harris, in 1804, "in the conquest of Tippoo and his empire in a single campaign, which renders you and me, and all of us, unworthy of notice." We do not affirm that the India House authorities took no notice of General Harris on his return to England. They did take notice of him. They attempted to deprive him of half his prize-money, by reducing his share from an *eighth* to a *sixteenth*; and this, after the Governor-General had expressly stated to the authorities that he did not recommend General Harris for any pecuniary grant, on the score of his distinguished services, because his share of prize-money would place him above the need of any such assistance. "And what," indignantly asks Mr. Lushington, "was the return made by the Government at home? Neither the British peerage nor the riband of the Bath was conferred upon him. They seem to have determined to verify the truth of that maxim, which proceeded from one who knew the human heart well, when he left as his warning voice to posterity the well-known adage, *Proprium humani ingenii est odisse quem læseris*; in this spirit they endeavoured to deprive him, whom they had unjustly neglected, of the prize-money he had honorably obtained. They supported a suit in the Court of Chancery against his property, and no one knows

‘ better than myself all the anxieties which he suffered during  
‘ those years of persecution. Though half his fortune  
‘ was in peril, his spirit was too noble to listen to any compro-  
‘ mise of those principles, which had governed his conduct  
‘ at the head of the army in Mysore. This was the price at  
‘ which the honours he had so well earned, together with fu-  
‘ ture peace, were tendered to him; but he spurned the  
‘ offer, and firmly resolved to maintain his principles and his  
‘ property. The authority and the learning of the King’s  
‘ and the Company’s Law officers, with the ample means of the  
‘ East India Company, were all arrayed against his interests  
‘ and his reputation. But General Harris determined never  
‘ tamely to surrender either. He addressed to the Indian  
‘ authorities a remonstrance . . . but this remonstrance pro-  
‘ duced no effect upon minds already prejudiced and predeter-  
‘ mined. It was not until General Harris had suffered six  
‘ years of litigation and slander, that the dawn of better days  
‘ first shone from the upright mind of Mr. Perceval. Having  
‘ been misled by the grossest misrepresentations, he cheerfully  
‘ corrected his opinion, and did justice to the unspotted charac-  
‘ ter of General Harris, when he saw what falsehood and  
‘ calumny had been heaped upon him. But this merited  
‘ rebuke did not stay the march of his persecutors. They pro-  
‘ ceeded with their appeal in the Court of Chancery, and when  
‘ it was dismissed from that Court, they intruded it upon the  
‘ Privy Council; where, after a solemn hearing, the General’s  
‘ honorable character was vindicated, and his property con-  
‘ firmed.”

It is possible that there are some of our readers who do not sympathise with General Harris, quite so warmly as Mr. Lushington. That the General was fairly entitled to an eighth of the Prize-money we believe; but it is not to be forgotten that he served under Lord Cornwallis and General Medows, who had surrendered to the army all their share of the profits derived from the first siege of Seringapatam—an act of generosity by which Harris himself must have been greatly the gainer. The precedent was not one, by which all future commanders were, in any way, bound to shape their conduct;—but some, regarding the contest as one between General Harris and the army, may think that Mr. Lushington’s virtuous indignation is a little misplaced. For our own parts, we find it impossible, in times like these, when the Indian services of our officers are so liberally rewarded with Bath honors, Peerages, and pensions, not to sigh over the fate of the distinguished officer, who crushed

the most formidable enemy ever opposed to our Indian army in the field, and, throughout the fifteen years which succeeded this memorable conquest, gained nothing from his country but—a *Chancery Suit*.

In 1815, General Harris was raised to the Peerage. The honors, some fifteen years over-due, for which he had more than once vainly importuned the Government of the day, were at length, through the intercessions of the Duke of York and Lord Liverpool, bestowed upon the conqueror of Mysore. He was created "Lord Harris of Belmont in Kent, and of Seringapatam and Mysore in the East Indies." Subsequently the honors of the Bath were added to those of the British peerage; he was created a Grand Cross; and the Government of Dunbarton Castle was conferred upon him. His merits were now fully recognised; his claims fully satisfied; and the remainder of his days were spent in ease and tranquillity of mind. He lived to see more than one of his sons distinguished in the same honorable field of ambition, as that in which he had himself risen to fame and fortune; and in the enjoyment of the condescending friendship of the King, the Duke of York, and other magnates of the land, he attained an honored old age, and surviving most of them, descended peacefully to the grave. "By his neighbours and tenantry, rich and poor, he was beloved and respected for his kind heart, clear understanding, and simple manners. That frankness of intercourse, which was the result of these qualities, was quite in the spirit of Addison's portrait of the old English country gentleman, in the person of Sir Roger de Coverley and produced the same effects. 'The young women professed to love him, and the young men were glad of his company. When he came into a house, he called the servants by their names, and talked all the way upstairs to a visit.' Nor did the resemblance to the good old knight stop here. 'His easy manners put all pomp and pageantry out of countenance in his presence; and though a high-hearted nobleman doing honour to the peerage and to his country by his personal virtues and public services, he was as unaffected as the simplest peasant.'

On the 19th of May, 1829, Lord Harris was gathered to his fathers. He appears to have died in the full possession of his faculties, serenely and hopefully—to have resigned his spirit into his maker's hands, in humble reliance on God's infinite mercy. "He received the Sacrament with all of his children who were present, under circumstances of the deepest interest, affectionately bade them farewell, and resigned his spirit

‘ into the hands of his maker in full confidence of the atoning merits of His Saviour.”

We need not attempt, in this place, an elaborate mental portrait of the first Lord Harris. The son of a country curate, he rose to eminence by the force of his own personal character; and yet that character was not distinguished by any extraordinary qualities of mind. His career, indeed, may be regarded as a striking illustration of what may be done by a man of no very brilliant intellectual endowments, who steadily follows his profession, turning neither to the right nor to the left, but consistently “doing his duty in that state of life, to which it has pleased God to call him.” He had all that is necessary to make a good soldier—much that is necessary to make a great commander;—he had courage, integrity, a fine sense of honor; he was cheerful, generous, and humane. As a military chief, he had been little skilled in the handling of armies, when he was called upon to take command of the most extensive expedition, which had ever been equipped for service in India; but when we estimate the importance of that service, the magnitude of the difficulties to be encountered, the cumbrous nature of the *impedimenta* of the army of the Carnatic, the season of the year at which he commenced his march, the character of the country he traversed, and the immense resources of the enemy, we are compelled to acknowledge that many an officer of much greater experience might have conducted the campaign to a less glorious termination. No man, perhaps, had less confidence in General Harris’s abilities than the General himself. He was diffident of his own powers; in no way ambitious of responsible command; and, when at length he achieved one of the most memorable acts recorded in history, the capture of Tippoo’s stronghold and the subjugation of Mysore, he bowed himself humbly before the Almighty, and to his aid attributed all that had been done. “The Almighty only can judge hearts,” he wrote on the evening of the 4th of May, “and I hope mine is found humble in his sight.” Humility was, indeed, one of his characteristics; but in his dealings with his fellows, he was never wanting in firmness—never destitute of those qualities which support the dignity of human nature and command the respect of mankind. In private life, he was peculiarly gentle and amiable; with strong, but well-regulated affections, much courtesy of manner and kindness of disposition; he elicited from the domestic circle, by which he was surrounded, the strongest feelings of reverence and love. He was a good husband, a good father, a kind master, and warm friend.

We had intended to have closed this review of Mr. Lushington's book with some remarks upon his dissection of the mis-statements contained in Mr. Alison's history of Europe ; but our article has already extended beyond the limits which we originally assigned to it. We need scarcely say that Mr. Lushington remains master of the field. The historian must submit to the exposure. In these days it is no longer safe to write crudely and recklessly about India ; ignorance is sure of detection, and it is as necessary to consult and collate authorities, when a narrative of an Indian battle is to be written, as when an European campaign is the subject of the historian's discourse.

We part from Mr. Lushington with a word of thanks. He has done good service by the publication of this *Life of Lord Harris*. The second edition, which we have used, is, however, in some respects defective, for many of the documents referred to in the text and said to be in the *Appendix*, are no-where to be found. We presume that they are contained in the first edition, but have been omitted from the second.

In conclusion, we avail ourselves of the present opportunity for again reiterating our expression of regret that so few of the talented and accomplished men, who, after serving their time in India, have returned to their native land in the enjoyment of health and fortune, should deem it their duty, their privilege, or their pleasure, to turn their valuable Indian experience and accumulated information to profitable account, in the way of interesting and enlightening the minds of their countrymen, by separate publications of their own, or through any of the more influential channels of the current periodical Literature. Let us indulge the fond hope that, henceforward, this source of regret may be gradually diminishing, until it is eventually dried up. Lushington, Elphinstone, Galloway, Briggs, Tod, Kennedy, Wilson and others, have already so far set a good example ; may that example stimulate to more frequent and successful imitation.

---



ART. III.—1. *Rennel's Atlas*, 1779.

2. *Tassins' Bengal Atlas*, 1841.

THE question of Statistics is one that has engaged of late years the attention\* of some of the most scientific minds in England, France, and Germany; in England a Statistical Society is in active operation and publishes a Journal since 1837. Statistics are now classed as a science and as such occupy a place in the list of subjects that come before the British Association; in France the Archives of Government are thrown open to the researches of the members of La Société de Géographie, a body which has contributed more to the advancement of the science of Geographical Statistics than any other throughout the world. But, in India how different is the case; it would, at times at least, almost seem to be as easy to get access to the records of the Inquisition as to many of the Statistical documents of the Bengal Government, which are often permitted to become the food of white ants, or perhaps to be *sold in the Calcutta Bazzars as waste paper*, while they are virtually sealed to the investigation of the learned! Yet, in spite of every such discouragement, much light has been thrown on the History of India by individuals.

(We feel strongly that the *present* is the time for collecting information on the condition of India—Hindu Society is in a transition state—the old pandits and natives, whose heads are stored with traditionary lore, are passing away, and their successors feel little interest in the past local events of India:—unless therefore, “these fragments from the wreck of time” be preserved in print, we shall lose one means of noting the progress of the natives of India.) Todd’s Rajasthan, Malcolm’s Central India, and the Mackenzie Mss., compiled at a period when Central India was in a transition state, have snatched from oblivion a number of valuable facts, which will serve hereafter as landmarks to indicate the march of improvement among the Rājput and South India tribes.

(In former numbers of this Review two papers appeared, “Notes on the banks of the Húgly,” which gave an account of the places between Calcutta and Chinsura; we propose continuing the “Notes” as far as Sútī near the mouth of the Bhá-girathi, with the exception of Chinsura, Húgly and Bandel. Chinsura with its Dutch associations and Húgly with its stirring events in days of yore, afford ample materials for a distinct article: Bandel we have noticed in “The Portuguese in North India.” The Banks of the river between Tribeni on the South and Gaur on the North teem with local associations of various

kinds—*Tribeni*, famous as a place of pilgrimage since the days of Pliny—*Sátgan*, a grand emporium of trade in the time of the Romans—*Ghospárá*, the cradle of the Kartá Bhojás—*Dumurda*, notorious in the annals of dakoity—*Sukhsagar* and the river encroachments—*Chagdá*, once infamous for human sacrifices and dakoity—*Sibpúr*, formerly a residence of the illustrious Raja Krishna Chandra Ray—*Guptapárá*, famous for its monkeys and Brahmans—*Santipúr*, the strong-hold of ghosains—*Kalna*, with its trade and temples—*Dhobá*, and its sugar manufactory—*Nudiya*, in old times the capital of Bengal and still a Brahmanical metropolis—*Agradíp*, the scene of a famous mela—*Katwá*, the port of Birbhum, well known in the days of the Mahratta—*Palási*, the Indian Marathon—*Rangamati*, with its spur of the Birbhum hills—*Berhampúr*, 80 years ago the frontier cantonment of the East India Company—*Kasim Bazár*, the former seat of the English, French, and Dutch trade—*Múrshidabad*, and all its recollections connected with the Musalmán dynasty—*Jangipúr*, famous for its silk trade—*Súti*, where Mír Kasim met his defeat and his visions of independence vanished—and *Gaur*, the metropolis of Bengal, long before the days of Alexander.

To the mere stranger the banks of the Bhágirathi present little calculated to afford interest;—so would the plain of Troy to the person ignorant of Grecian history: but for those who love to dwell on the past, there are few parts of India, except Rajpútaná, which are crowded with a series of more interesting associations. The trade carried on by the Romans—the Hindu dynasty of the Lakhmans—the scenes where British ascendancy was established in this country—the influence of Mahommedan sway—the development of the resources of this country by Indigo, Silk and Sugar factories—the former prevalence of gang robbery;—ideas connected with these and kindred subjects crowd on the mind of the intelligent traveller in passing various places on the banks of the Bhágirathi. In consequence of the local associations he has called up, Sir W. Scott has given “a charm to Scottish scenes and barren heaths.” Dr. Johnson has made the often quoted remark, in which he condemns the man whose patriotism would not glow on the plains of Marathon, or piety grow warm amid the ruins of Iona. In India where Europeans generally feel so little interest in the country, know so little of its past history, and sympathise so little with the natives, it is specially important that the principle of *local association* should as far as possible be called forth. We must know something of the *past history* of a people in order to understand their *present condition*—what

a stimulus did the recollections of Grecian History afford some years ago to the exertions of philanthropists in the cause of the modern Greeks, who were crushed under the yoke of Turkish tyranny. We trust that the progress of English education and Christian Missions along the banks of the Bhágirathi during the next fifty years, will afford a brilliant contrast to the gloomy recollections of past times—to the profligate rule of Kúlinism—to Satis—Infanticide—Musalmán despotism and Hindu stagnation of thought.

(The banks of the Bhágirathi are likely to afford scenes of the noblest triumphs to missionary and educational operations, because the principle of concentration and mutual co-operation will be carried out, by a *chain* of missionary and educational posts at,—Húgly connected with the London Missionary Society; Ghospára with the Established Presbyterian Church; Kalná with the Free Church of Scotland; Nudiya and Kishnaghur with the Church Missionary Society; Katwá with the Baptist; and Berhampúr with the London Missionary Society.)

Besides Heber's Journal and "Robert's Scenes" there are scarcely any journals of travellers worth notice on Bengal; in a recent work, "Bacon's First Impressions," it is stated, that after leaving Barrakpúr "a few *hours* tracking brought us to Serampore"! the author gives a drawing of a fakír's serai on the banks of the river near Húgly with a *hill* in the vicinity! this resembles Carne's description of Kiernander, the *first* Protestant Missionary to Bengal, visiting his *mountain* villages near Calcutta! No Sanskrit works give any topographical information respecting those localities, except the Sri Bhagavat and some other Puranas which notice Tribeni, and the course of the Ganges. Arrian, Pliny and Strabo write incidentally of a few places. As for authorities on these subjects little information can be given, since in the Bengali language no book of any description was compiled before A. D. 1500. The poem of Kobi Kankan was written in Bengali 300 years ago, (the author lived in Burdwan; and is said to have been born at Damini near Tárikeswar in Burdwan; Kirti Bās is also said to have been born in Burdwan). It describes the journey of a merchant from his own residence 150 miles from the sea, down the Bhágirathi to the port in which he embarked for Ceylon, he enumerates the places at which he *lagoed* on the banks of the river. The *Sandesábali* and *Timir Násak* notice a few towns; but the written or printed materials are very scanty: "the Musalman invaders of Bengal thought Hindu writings to be full of mantras or charms, and they deemed them *haram* or sinful, and not worthy to be seen; hence on entering a town in Bengal

they burnt every ancient Mss. as well as image: the Hindus also were in the practice, when invaded, to destroy every thing which was of value to the invaders and particularly all "Mss. that would give information of the country;" hence no Mss. exist which give any information of Gaur or Pálibathrá. The Hindu writings were of an anti-historical character. The remarks of Taylor in his "Historical Manuscripts" are applicable here,—“Generally speaking, Indian princes, purely such, as distinguished from foreign invaders, have been less addicted to warring with each other, than those of almost any other ancient nation. Hence, in a great degree, arises the paucity of materials for Indian history; but, happily periods most barren of historical incident, have always been most prosperous for the people.” We must therefore have recourse, occasionally to oral testimony and current traditions, which are the only sources in the absence of written testimony, and which have been resorted to with so much success by Tod in his Rajasthan; the discoveries however of Ventura in the topes of the Panjab: of Prinsep in Pali Medals; of Hodgson in Nipal, and of Remusat in Chinese Mss. give hope that future researches may throw a flood of light on the Ante-Mahommedan history of Bengal; a translation of some Persian Mss. mentioned in Stewart's Catalogue would afford information on Bengal History: even legends are of value, for as Wilson remarks, “Hindu tales are *faithful* records of the state of popular *belief* many ages ago.” Legendary lore is compared by Troyer to a chronometer, which, though it gives not the true time, yet presents errors which we know how to correct. Dr. Buchanan, though he undertook at the command of the Marquess of Wellesley a survey of Eastern India, which occupied him seven years and cost the Government 30,000 £, yet has not thought it beneath his notice to embody in the report he presented to Government the legends and local traditions of the districts he passed through.

(We name this article the banks of the BHAGIRATHI, though some Europeans call the river as far as Nudiya the Húgly,—but Húgly is a modern name, given to it since the town of Húgly rose into importance: the natives, call it Bhagirathi, because they say it was the channel Bhagirath cut in bringing the Ganges from the Himalaya to Ganga Ságar. This name recalls what is believed to be a fact—that the Ganges itself formerly ran by Katwá, Tribeni, and not as it does now into the Padma; our reasons are,—the natives attribute no sanctity to the waters of the Padma, thinking the Bhagirathi to be the true bed of the river, hence the water flowing by Bishop's College is not esteemed holy, as they say that the site

of Tolly's Nalá was the ancient bed—there are no places of pilgrimage along the banks of the Padma, while on the Bhagirathi are Tribeni, Sagar, Nudiya and Agardíp. Dr. Buchanan states on this subject “I think it not unlikely that on the junction of the Kosi with the Ganges, the united mass of water opened the passage now called Padma, and the old channel of the Bhagirathi from Songti (Súti) to Nudiya was then left comparatively dry. In this way we may account for the natives considering that *insignificant* channel as the *proper* continuation of their sacred river, as they universally do, a manner of thinking that unless some such extraordinary change had taken place, would have been highly absurd”—the names of places near the Bhagirathi ending in *dwipa* island, *dángá* upland, *duha* abyss, *ságar* sea, seem to indicate that a large body of water formerly flowed near them.

We begin our notice with the SARASWATI Khal, which flows by Tribeni down to Sátgan, and which in former days was a mighty stream, when the Bhagirathi, instead of flowing as now past Húgly, rolled its mighty waters down by Sátgan. Renhel states, “In 1566 the Satgang river was capable of bearing small vessels and I suspect that its then course, after passing Satgang was by way of Adampur, Omptah and Tamluk: and that the river called the old Ganges was a part of its course, and received that name, while the circumstance of the change was fresh in the memory of the people. The appearance of the country between Satgang and Tamluk countenances such an opinion.” The banks of the Saraswati at Tribeni formed the ancient boundary of the kingdom of Orissa, extending as far west as Bishenpur in the time of the Ganga Vansa princes from the 10th to the 14th Cent A. D. Akbar annexed Tribeni to the Bengal government and separated it from the powerful kingdom of Orissa or Kalinga, which flourished at the same period as the Ujayin and Malwa monarchies, and was next to Magadh in greatness, stretching from the Godavery towards the Ganges; the King of Kalinga in Pliny's time could bring into the field 100,000 foot; at the beginning of the Christian era Salivahan ruled the country between the Godavery and the Nermada. “By progress of emigration and conquest the Orissa nation carried their name and language over the vast space of territory, including, besides Orissa Proper, part of Bengal, and Telingana.” In 1243 the rajah of Jagipur, 35 miles N. E. of Katak, besieged Gaur the Capital of Bengal. The Orissan monarchy sunk into decay about the same time that the Saraswati river, (owing to a silting process, dried up; in 1845 an inundation tore up the soil in the bed of the

river near Sâtgan and exposed to view the masts of a ship. In Rennel's Maps, drawn over 70 years ago, the Saraswati joins a river which flows by Duma, Nisipur and Chanditala into the Húgly at Sankral near Bishop's College: this probably was the old bed of the Bhagirathi, which passed from Sankral up to the site of Tolly's Nalá, then *via* Gurea, Barripur and Rajganj to Diamond Harbour, and so on to Ganga Sagar; the ground west of Haura and from thence on to Húgly is low and marshy, indicating the course of a former river. Ptolemy however states that the Saraswati flowed into the mouth of the Jellasore river: this view corresponds with that of Rennel's, and may be reconciled with our's by supposing a *branch* from the Saraswati, i. e. *Ganges* to have joined the Damuda or Rupnarayan.

SATGAN, the royal emporium of Bengal from the time of Pliny down to the arrival of the Portuguese in this country, has now scarcely a memorial of its ancient greatness left; it has furnished a native proverb indicative of its fall, "Compare not yourself to a man of Satgan." Wilford thus describes it, "Ganges Regia, now Satgan, near Húgly. It is a famous place of worship, and was formerly the residence of the kings of the country, and said to have been a city of an immense size, so as to have swallowed up one hundred villages, as the name imports: however, though they write its name Satgan, I believe it should be Satgram or the seven villages, because there were so many consecrated to the seven Rishis and each of them had one appropriated to his own use." Sâtgan is said to have been one of the resting places of Bhagirathi. One of the Puranas states that Pryabasta, king of Kanauj, had 7 sons, who lived in Satgan, i. e. Saptagram, and whose names were given to seven villages, viz. Agnidra, Romanaka, Bhopisanta, Saurabanan, Barra, Sabana, and Dutimanta, they were *mûnis*. Kusagrass is said not to grow in Satgan, as it was cursed by the seven *rishis*. Di Barros writes "that Satgaw is a great and noble city, though less frequented than Chittagong, on account of the port not being so convenient for the entrance and departure of ships." Purchas states it to be "a fair citie for a citie of the Moores, and very plentiful, but sometimes subject to Patnaw." Fredericke, who travelled in Bengal, 1570, and visited Satgan mentions that in it "the merchants gather themselves together for their trade:" he describes a place called Buttor, "a good tide's rowing before you come to Satgaw, from hence upwards the ships do not go, because that upwards the river is very shallow and little water, the small ships go to Satgaw and there they lade:" he writes that "Buttor has an infinite number of ships and bazars; while the ships stay

in the season, they erect a village of straw houses, which they burn when the ships leave and build again the next season; in the port of Satgaw every year they lade 30 or 35 ships great and small with rice, cloth of bombast of divers sorts, lacca, great abundance of sugar, paper, oil of zerzeline and other sorts of merchandize." The Shah Jehan Namah, part of which is translated in Stewart's Oriental Catalogue, mentions that, "while Bengal was governed by its own princes, a number of merchants resorted to this place (Húgly) and having rendered this agreeable, obtained a piece of ground, and permission to build houses, in order to carry on their commerce to advantage; in the course of time owing to the stupidity and want of attention of the Governors of Bengal, a great number of Portuguese assembled here, who erected lofty and solid factories which they fortified with cannon, muskets, and other implements of war:" he then states the Portuguese settled at Húgly, "which drew in a short time all the trade from Satgan, which in consequence fell into decay." In 1632, Húgly being made a royal port, all the public officers were withdrawn from Satgan, which soon sunk into ruin. The Mogul governor of Húgly brought a charge against the Portuguese before Shah Jehan of "having drawn away the trade from the ancient port of Satgan." The silting up of the river there, was another cause of its decay: similarly we find that Kambay, which was a famous port when the Portuguese came to India, is now choked up owing to the sea having retired several leagues: it is said the Moguls deepened the present channel which flows in front of Húgly, and this would serve to draw off the current which before flowed down by Satgan.

Warwick, a Dutch Admiral, notices that Satgan in 1667 was a place of great trade for the Portuguese. The foundations of a fort built by the Musalmans remain near Satgan bridge; the fort was pulled down to build houses in the town. The old Dutch residents at Húgly had their country seats at Satgan, and were in the habit of *walking* from Chinsura in the middle of the day to it and returning after dinner. Near Satgan bridge stands an old temple in which is interred one of the officers of Shah Sufi. The people of Satgan were famed for wit and often contended for the palm of wit with the inhabitants of Mahmud Shah, in the neighbourhood.

Opposite Tribeni at the mouth of the Saraswati Khal, stands a famous MOSQUE, containing the tomb of Jaffir Khan; it was once a Hindu temple. Jaffir Khan was the uncle of Shah Sufi, he was a zealous Musalman and made a proselyte of Rajah Man Nriput, he was killed in a battle fought with Rajah

Bhudea. Jaffir's son conquered the Rajah of Húgly and married his daughter, who is buried within the precincts of the temple, and to this day Hindu votive offerings are presented at her tomb on Musalman festivals: Jaffir Khan himself, though a Musalman, worshipped the Ganges. This temple must be at least 500 years old, as Shah Sufi came to Bengal A. D. 1340 (he fought a battle near Pandua, which rendered the country entirely subject to the Musalmans); the stones in it are very large: the temple was probably erected when the kingdom of Orissa was in its glory and stretched its sceptre as far as Tribeni, and when ships floated on the waters of the Saraswati—across which a child can now leap. A civil servant at Húgly is said some years ago to have pulled down part of this temple to make a ghat!!

South of this temple is the village of BANSBARIA or Bansbati, i. e. the place of bambus, famous for the temple of the goddess Hansheshari, with its 13 pinnacles and 13 images of Shiva, erected 50 years ago by Rani Sankari Dási, the wife of Nrisinga Deva Ray, a Zemindar: it cost a lakh of rupees, and had a house there surrounded with a trench and four pieces of cannon mounted on it; when the Mahrattas came near Tribeni the people fled to this house for protection. On the festival of Hansheshari the Rani used to invite pandits from all the neighbouring country, Calcutta, Nudiya.\* This temple occupies 15 acres. At Bansbaria there were formally 12 or 14 tolas, where Nyaya or logic was read, but Sanskrit studies are on the decline there. The Tatwabodhini Sabhá had formerly a flourishing English School of 200 boys at Bansbaria, established 1843, but some of the boys embracing Vedantism, their parents became alarmed lest they should forsake Puranism

\* The following is a list of a few among the many eminent pandits Nudiya, has produced during the last 300 years—Raghu Nandan composed about 200 years ago "the Essence of the Hindu ritual," he established a new ritual in the investiture of the paita, he wrote a work on Law called *Tithi tatwa* in twenty-eight books; it is extensively studied, and is highly valued by Colebrooke—*Nudiya* is most famous for the study of Nyaya or Logic: among the pandits who have written commentaries here on the subject occur the names of:—Godadar Sriromani, Maturanath Tarkabagish, Roganath Sriromani, Bas Deb Sarbabaumi,—on *Smriti or law*, Ji Matta Bâkan—Sri Krista Tarkalankar, Chandrasekar Bashishpati; and on the *Mugda Bodh* or *Grammar*, Durgadas Bideabagis, Ram Tarka Bagis, Bharat Malik; Amar Sing, the author of the *Amera Kosha*, lived in Naya where he kept a tola and wrote his book. There is a tradition that the celebrated Kalidas came from the Court of Vikramaditya to test the knowledge of the Nudiya pandits, and also that Sankar Acharya visited it for the same reason; Krishnanda, a Brahman of Nudiya in the middle of the 16th century, propagated a doctrine called *pasu bhâb*; it is believed in by numbers of Brahmans in Bengal. Sir W. Jones, 1787, congratulated himself in "spending three months every year near an ancient university of Brahmans (Nudiya) with whom he began to converse fluently in Sanskrit." Those anxious to know more on the learning of Nudiya, we would refer to Adam's Reports on Education in Bengal and Bahar.



and they withdrew many of them; the members of the Sabhá thought that Bansbaria being an eminent seat of Hindu learning presented a more favorable opening for schools than Calcutta; but Puranism and Vedantism being antagonistic, the success of the school has been retarded. A tiger was seen near it in 1830; he killed four ryots; old persons still remember the time when the Satgan district was infested with tigers and when rewards used to be offered from the Collector's office at Húgly for killing them. Tarachand, a native Christian, resided at Bansbaria; he was led to inquire respecting Christianity from simply reading a New Testament. The first native Church under a native minister was formed at Bansbaria under Tarachand, who was a well informed man, and spoke English, French, and Portuguese with fluency.

On the opposite side of the river facing Bansbaria is MALIK-BAG, of which Ramkomul Sen gives the following account in his able preface to his Bengali dictionary. "The Musalman invaders of the west of Hindústan, who afterwards established themselves on the throne of Delhi, considered this country (Bengal) to be *Dojakh*, or an infernal region, and whenever any of the Amirs or Courtiers were found guilty of capital crimes, and the rank of the individuals did not permit their being beheaded, while policy at the same time rendered their removal necessary, they were *banished to Bengal*. Of those individuals banished to Bengal, one, named Mullik Kássim, had his residence immediately west of Húgly, where there is a *Haut* or market, still held, which goes by his name. Ahmid Beg was another person of that description; his estate is still in existence, opposite to Bansbaria; and there are a *Haut*, *Gunge*, or mart, and a *khal* or creek, still called after his name; Meer Beg also had a fort, with a mansion opposite to Húgly, which is called *Mir Beg há Gur*." These lands were given on a kind of military tenure; as the Government of the Afghans in Bengal, bore a close resemblance to the feudal system of the Goths. The air and water of that part of Bengal were then considered so bad as to lead almost to the certain death of the criminal. The whole of *Malikbág* was formerly a large garden, but the trees have been cut down for fuel. In the time of Malik the site of Serampore was a jungle. The site of the city of Jessore, which is considerably to the north of Malikbag, was, when founded 300 years ago by Sivananda Majúmdar, the uncle of Rajah Pratapaditya, "a forest on the borders of the sea." A little to the south of Malikbág is HALISHAR, famous for the Smriti Colleges, established there by Rajah K. Ray of Nudiya; he assigned

to them endowments of land, the Rajah is said to have come here to visit Balarám Tarkábushan, a very learned pandit, who would not enter a Sudrá's house, nor even take money from his hand, nor receive a present on the banks of the Ganges; the Rajah saw a Kumbhakar or potter at the place and asked him in Sanskrit, *Kastam* (who are you), the man replied, *Kumbhakar Ahang* (I am a potter), the Rajah surprised that a low person knew Sanskrit, said, this is a fine place, and he made a bazar in it called Kumarhattá, i. e. the bazar of the potter. Great quantities of broken pottery are still dug up, the pandits still call Hálishar by the name of Kumarhattá. Balarám Tarkaboshu, a pandit well skilled in Nyaya, lived here. There are still twelve Sanskrit Colleges in Hálishar and its neighbourhood; Law and Logic are the chief subjects taught. Hálishar is noted for its drunkards, and particularly for drunken women: one reason ascribed for it is, that many Brahmans from the East of Bengal reside here, and follow the Tantra system which encourages drunkenness. At Hálishar, Ram Komal Sen had his country seat; he was of low origin, his father was a native doctor; Professor Wilson patronised him and gave him employment in his printing office, afterwards in the mint, where he studied English and Sanskrit, and subsequently became Assistant Secretary to the Sanskrit College. Hálishar formed a Zillah last century: it has a population of about 30,000, 4000 of whom are of the *bhadrá lok* or Hindu gentry.

To the North of Malikbag flows the JAMNA river, called by Ptolemy, the Diamuni, "the blue daughter of the sun," by Jaydeva it is named the Kal Yamani, because Kanya destroyed the hydra *Kalya* which infested it; the villages along the Jamná are scattered and thinly populated. Corpses are thrown into it in order to float into the Bhagirathi, which they sometimes do after the lapse of a year. In 1813 the Government survey fixed the Jamná as the Northern boundary of the Sunderbands. The Jamná joins the Ishamati (so called from its being noted for its *ikshu* sugar canes.) (The Jamná, though now a Khal, was a large river at the period when the whole stream of the Ganges flowed down by Tribeni and along with the Saraswati formed the Dakhin Prayág; the ghát manjis on the route from Orissa to Tribeni are guilty of great oppression. To the North of the Jamná is GHOSPARA, famous for being the birth place of the Kartá Bhoja sect.\*)

\* Few respectable Hindus have joined the Kartá Bhojas, yet they are spreading, but chiefly among the *lower orders*: one of their pretences is, to substitute an actual vision of the goddess of every individual instead of a material image, each one is

(We now come to the far famed TRIBENI, the MUKTABENI of Bengal, as the Tribeni at Prayag is the Yukta Beni. Tribeni is said in the Padma Purana to give virtue and salvation to all those residing near it; a famous mela is held here in January: in 1838 over 100,000 persons attended it; of these 24,000 were from Orissa. The Shiva Purana states that the place where the Ganges unites with the Jamna is capable of destroying the sin of murdering a Brahman, particularly in the month of Magha. Stavorinus, an old Dutch traveller of the middle of last century, described the mela as attended by an immense concourse, who carried home Ganga water for the use of their relatives. Tribeni is one of the four *Samajis* or places famous for Hindu learning; the others are Nudiya, Santipur, and Guptapará. Tribeni was formerly noted for its trade: Pliny mentions that the ships assembling near the Godavery sailed from thence to Cape Palinurus, then to Tentigalé, opposite Fulta, then to Tribeni, and lastly to Patna. Ptolemy also notices Tribeni. The Portuguese, Ptolemy, and the natives now call it Tripina, but incorrectly. There were over 30 tolas in Tribeni; Jaganath Pandit lived here in the time of Lord Cornwallis; he took an active part in the publication of the Hindu Laws. Some years ago a Saniyasi who lived for 50 years near the bazar, was attacked by dakoits; 2000 Rupees were stolen from him, and his ears were cut off. A bridge was built over the Saraswati by Prankissen of Chinsura, but it was nearly destroyed in the great storm of 1242 B. S. by an over-flow of the Damuda. Jagannath presided 50 years ago over a large college in Tribeni: he was considered the most learned man in Bengal, and died at the age of 109 years. Several persons have become rich here from selling the clothes

allowed to retain the deity he has been most accustomed to honor; a secret and darkened apartment is chosen and the initiated are made to see their own god, i. e. they are turned first to a strong light and then to a dark recess where fancy conjures up the image. Their chief principle is "that by devotion God will give them eyes, and then they will obtain a sight of Ilim, and through that sight salvation." The *Friend of India* states, "it is a certain fact that a considerable number of those who first received the Gospel in Jessore, were in a measure prepared to do so by an acquaintance with the religionists of Ghospaia." The same remark applies to many of the 4,000 natives who became Christians a few years ago in the Kishnaghur district. The Karta Bhojas have given no written account of their doctrines, they think pen and ink too material; their tenets are handed down by tradition which is communicated to the initiated. Ishwar Chandra Pal, "the present head of the sect, lives in the style of a rajah, his grandfather was a guala or keeper of cows. Drs. Marshman and Carey visited Ram Dulal his father, in 1802, they found a *rath* near his house! which was handsome, stately, exceeding that of many rajahs;" he was "no less plump than Bacchus and about 20 years of age," he argued with them, defending the doctrine of Pantheism; some of their secret rites are of the most disgustingly licentious description. They are spreading in the districts of Burdwan and Kishnaghur, and particularly along the road from Burdwan to Hdgly and Calcutta.

of the dead. Stavorinus writes in 1763, that about 3 miles north of Tribeni near the river, he came to a wood, in which was "an ancient building of large square stones as hard as iron, 30 feet long and 20 broad, the walls 13 or 14 feet high, no roof, 3 tombs of black stone on which were Persian characters." The Bengalis believe it was built by a magician in one night without the assistance of any mortal! In June 1837 an alligator 12 feet long, with the arm of an adult female in his belly, was caught here at the ghat.

NYA SERAI or the New Serai, is situated on a branch of the Damuda river, called the Kanah Nadi; its mouth is so choked up with sand at Salimpúr, that it is unable to receive much of the Damuda, and is therefore called the Kanah Nadi; attempts have been unsuccessfully made to cut through the sand, but it has filled up again; it has been proposed to cut a canal to draw the water from Bundpúr to Bali Khal or to make a canal from Gopalnagar to Bydabáti. A bridge was built here by a Zemindar; but a few years ago it was washed away by the inundation in 1839, it was ordered to be rebuilt, by the Court of Directors. Through Nya Serai lies the line of traffic to Burdwan and the Jangal Mahals. Stavorinus in 1768 describes the country about Nya Serai thus, "We met with pleasant plains of arable and pasture lands, intermixed with groves of cocoanut, mango and other trees: the sugarcane was likewise cultivated in many places and flourished excellently." Stavorinus walked from Nya Serai to Tribeni,— "the way first led through a wood which was filled with the notes of birds and afterwards over a lovely plain mostly consisting of pasture grounds." The banks of the river between Nya Serai and Serampore are mostly elevated, which shows it was a remnant of the ancient elevation of the land, like that at Rangamati. There are a Munsif at Nya Serai and a chokey station for the Salt Department. The Nya Serai Khál is named in Rennel's Maps the old Damuda; on it is *Magrá*, so called from a goddess of that name; it is on the high road to Lahore, has 4 tolas, and furnishes quantities of sand fit for plastering.

North of Nya Serai is the village, DAMURDA; its affix *daha*, an abyss, indicates, like *Khal*, *Sagar*, *daha*—that it is alluvial land gained from the water. There is an English school here. A Zemindar Ishwar Babu is said to have lived here 40 years ago and to have been in the habit of inviting travellers to his house at night and then strangling them while they slept; a pilgrim discovered it at night and gave information to the thana at Bansbaria; the Zemindar was arrested and hung; men were found sunk in a tank near his house with stones tied round

their necks. Many natives still are afraid to go in Damurda boats. Dakoity reached its height in this neighbourhood and the Kishnaghur district, about 1807; the dakoits had the village watchmen under their influence and used to go with the greatest indifference to the gallows: their cruelties were most atrocious, slashing with sabres, scorching all the skin off with blazing grass, burning off the most tender parts of the body with oil and tow, violating girls, extorting confessions by rubbing hot irons over the body, &c.

On the opposite side of the river is SUKH SAGAR, placed in Rennel's Map at a considerable distance from the river, which has of late made fearful encroachments and has not left a vestige of the magnificent house of the Revenue Board that cost a lakh and a half originally. The Marquis of Cornwallis and suite, used often in the hot weather to retire to it, as it was the Government country seat before Barrakpúr. The house of Mr. Barretto and a Roman Catholic Chapel erected by him in 1789, at a cost of 9,000 Rs. have also been washed away. Mr. Barretto was suspected by the natives, from his being a rich man, to have known the art of turning metals into gold. These encroachments of the river, together with Pal Chaudri, a rich Zemindar, making a bazar in Chagdá, have led to the decay of Sukh Sagar, which owed much of its prosperity to Mr. Barretto, who made many roads there planted with *nim* trees on both sides, which remain to this day: he had a rum distillery in 1792, as also Sugar works; in his time the place was called Chotá Calcutta. On Clive passing Sukh Sagar, a small battery there gave him a salute; he, imagining it to be an enemy's entrenchment, ordered it to be dismantled. On the courts being removed from Múrshidabad to Calcutta in 1772, the Revenue Board was fixed there, as it was thought more suitable than Calcutta, from being in the country. Bissenpúr, Srinagar and Bhagdá near Sukh Sagar were noted formerly for dakoity. The Zemindary of Sukh Sagar belonged to Rajah R. C. Ray of Nudiya, who made a bazar in it: there are still remaining the ruins of several fine houses built in his time, he also erected a temple to Agru-Chandy in which human sacrifices were offered. Forster in 1782, gives the following description of Sukh Sagar:—"Sukh Sagar is a valuable and rising plantation, the property of Messrs. Crofts and Lennox; and these gentlemen have established at this place a fabric of white cloth, of which the Company provide an annual investment of two lakhs of rupees; they have also founded a raw silk manufactory, which as it bears the appearance of increase and improvement, will, I hope, reward the industrious, estimable labors of its pro-

prietors. A pátshálá was established by Government in 1845 ; a Zemindar gave as a school room a *chaubári*, formerly built by Mr. Baretto to enable the Hindus to read the Puranas and Mahabharat. An English pay shool was founded in 1844 by the Munsif under the patronage of the Vedantists ; in 1846, at the annual examination 150 respectable babus were present. *Pitam-bar Sing*, an eminent native Christian convert, and a Sanskrit scholar, was stationed as a catechist, in 1802, at Sukh Sagar, “ a pretty large place and very populous neighbourhood ;” he was a match in argument for the pandits ; a tract was the instrument of his conversion. In 1804 he left the place, on account of sickness, as also because of “ his house being out of town and surrounded with robbers.” Bishop Heber writes in his Journal 1824, “ I saw (near Sukh Sagar) a sign of a civilized country, a gibbet with two men in chains on it, who were executed two years ago for robbery and murder in this neighbourhood. The district bears a bad name ;” he remarks that Mr. Corrie saw near it the prints of tigers’ feet ; at *Palpára*, near Sukh Sagar, lived Nandakúmar Vidyálankar, who was deeply versed in Nyaya and the Tantras, he published a book called *Kularnuba* : the river has washed away twelve bigahs and a great part of *Palpára* ; near it, is *Monasúpota*, respecting which Ram Komul Sen relates the following legend :—“ Bengal was once governed or possessed by *Asurs*, Demons, one of whom called *Sambarásura*, was King of lower Bengal : he was killed by Pradyumna, the son of Krishná, and his corpse was thrown into pits near Sukh Sagar, in *Monasápota*, which was thence named *Pradyumnahrad* or Pradyumna’s pit.”

North of Sukh Sagar is CHAGDA (notorious for ghat murders) fabled to derive its name from Bhagirath, because when bringing the Ganges from the Himalaya to Ganga Sagar to water his forefather’s bones, he left the traces of his chariot wheel *chakra* there. Chagda as well as Bansbaria and Ganga Sagar were formerly noted for human sacrifices by drowning ; the aged and children were thrown into the river ; 1801 in November some pilots saw 11 persons at Sagar throw themselves to sharks ; and that month, 29 persons were devoured by them ; it is still a famous place for burning the dead and for bathing ; corpses are brought there from all parts of the country, often from great distances, when they become putrid ere they reach Chagda ; the persons carrying the corpse are not allowed to enter a house, must pay double ferry-fare, and must take fire with them as none will give it. Tavernier mentions seeing corpses brought to Chagda, from a place twenty days distance, all rotten and smelling dreadfully. It is singular that in former times, and particularly near Calcutta, persons

were burnt on the Western bank of the river, because the true channel was considered to be there, as the river was said to have made a *new* channel on the Eastern side, this seems to favour an opinion held by some, that the Ganges is gradually tending to a more easterly direction. Chagda is the route taken by people North of Calcutta for Dhaka, and Assam *via* Jessore; as the road is better and higher than that *via* Baraset. A road has been made from Bangaon to Chagda 20 miles, planted with trees on both sides, by Kali Prasad Padar of Jessore. As this Babu stands out conspicuously from his countrymen by his public spirit, we give the following notice of him. 'He has indeed proved himself an example to many Roy and Chaudri Zemindars of greater opulence and higher respectability. Report of the Babu's liberality having been made by the Judge and Collector of the district, the Governor of Bengal has presented him with the title of Roy, and a *Khelat* consisting of a pair of rich shawls, a Kaba, and a crested turban embroidered with gold and pearls. On Monday, the 30th of March last, (1846) the Judge of the district invited the most respectable European and native Gentlemen of the station, including Vakils and Muktiairs and presented him with the honorary dress and a suitable address. On which the Babu felt himself much affected at the kindness of the British Government, and after returning his heartfelt thanks, gave four hundred Rupees to the Jessore Government school, one hundred Rupees to the Jessore charitable hospital, and three hundred Rupees to the beggars that crowded on the occasion. Afterwards, Mr. Seton Karr delivered an eloquent speech in eulogy of the Babu. He was followed by Roy Lokenath Bose and Babu Nilmadhub Ghose, who all spoke to the same effect, after which the meeting dispersed. The following is a statement of the several liberal acts of the worthy Babu:

- 1st. A staircase to the hill of Chuddernath.
- 2nd. A stone built Dhuramshala or alms-house at the Ghat Attara nullah.
- 3rd. A brick built Naght Munder in the temple of Dhakshuri.
- 4th. A brick built bridge over the Dytollah Khal.
- 5th. A brick built bridge over the Bhyrub Nadi at Nilgunge.
- 6th. A Dhuramshala and a house of charity at Nilgunge.
- 7th. A road from Bongah to Chukra Dha on the banks of the Ganges extending over nearly twenty miles, and planted on both sides with trees.
- 8th. A road from Chúra Maukati to Agradip extend-

ing over nearly 30 miles, and planted on both sides with trees.

9th. An iron bridge over the Kobotoka river at Jhikargucha with the joint assistance of Government.

10th. A brick built bridge over the Betna river at Jadubpur.

11th. A brick built bridge at Kaintpur.

12th. A brick built bridge at Naudanga Huridashpur."

Chagdá has been notorious for Ghat murders; there are various persons now living there, who have been taken to the river to die, but have recovered and are *outcasts*. Great numbers of people bathe here at the Bároni festival in March; many persons come as far as from Orissa. The *barúari puja* is celebrated with great pomp here; this puja was established in 1790 by a number of Brahmans of Guptapara, who formed an association to celebrate a puja not noticed in the Shástras; it is named *barúari*, because they chose 12 men *bára* as a committee; they collected subscriptions in the neighbouring villages, but this not being sufficient, they sent men into various parts of the country, and having obtained 7000 Rs. they celebrated the worship of Jaggadátri Durga with such pomp, as to attract the rich to it from a distance of 100 miles around; they procured the best singers in Bengal; and spent the week in festivity: in consequence of the success of the first *barúari*, they determined to celebrate it annually; which is done in various parts of Bengal, and particularly in Ulá, Guptapará, Chagdá, Shripur; one-fifth of the money is devoted to the idol, the rest to singing and feasting. In 1845 an English school was established here, under the patronage of the Brahma Sabhá. Stavorinus, 1786, writes; "the village of Chogdá, which gives its name to the channel, stands a little inland, and there is a great weekly market or bazar here; the channel terminates about three Dutch miles inland, and on its right has many woods in which are tigers and other wild beasts; on entering the woods a little way, we soon met with the traces of tigers in plenty, and therefore we did not think it prudent to venture farther; we met in the way the remains of a Bengali who had been torn in pieces by a beast of prey." Walking near Chagdá when it was dark, Stavorinus was warned by the natives that there were many tigers who had their haunts near, and who in the evening were wont to repair to the river-side. In 1809, Hanif and eight other dakoits were hung here. In 1808, at 9 o'clock in the evening 45 dakoits attacked the house of a man in Chagdá, took his brother and burned him with lighted torches and straw taken from the thatch of the house which was in the bázár; they then



rolled a bambu across his breast, he died the next day; they were torturing him during 4 gharis: it was as light as day in the bazar from the blaze of the dakoits' musalchis and torches; they plundered eight houses besides in Chagdá: one witness stated on the trial, "the country is in the hands of the dakoits, they do not scruple to plunder in broad day-light." In 1809, one Gangá Rām Sirdár deposed before the magistrate, to having been a dakoit since his twelfth year and to having committed dakoitis to the number of thirty-six, east of Chagdá, in the Jessore and Burdwan districts and particularly at Bagdá; in 1815 the dakoits in Burdwan used to go in great pomp to the villages under pretence of a wedding procession and then plundered them. In 1845 an English school was opened here by an Indigo Planter of the neighbourhood: it is conducted by two students of the Chinsura College, and has about 40 boys in daily attendance. Chagdá has two Sanskrit Colleges, containing 20 pupils, they study Hindu Law, under the tuition of two Professors of Law. There are 40 Brahman families in Chagdá, in the Bazar there are about 200 shops.

The MATABANGA river lies north of Chagdá; it was formerly much deeper and was the channel of trade between the East of Bengal and Calcutta; its banks 40 years ago were infested by thieves and tigers. A survey was made of it in 1795, by Colonel Colebrooke, as government wished to keep it open all the year round; it is sometimes dangerous to cross on account of the torrents which suddenly come down. The Matabanga has many interesting associations in connection with one of the greatest men in Bengal, Rajah Krishna Chandra Ray of Nudiya; an interesting life of him has been published at the Serampur Press, in very pure Bengali. At *Anunda Dan*, near the mouth of the Matabanga, the Rajah had a fine Garden, and used often to go there to bathe; it is now over a mile inland. *Shibnibás*, some distance up the river, was the favorite residence of the Rajah; it was a princely pile and fortified, but is now surrounded with jungle; the Rajah designed to make Shibnibás equal to Kási, i. e. Benares, and as in Benares there is a great image of Shíva named Bisheshwar, so he put one in Sibnibás named Bhura Sib, hence those well known lines—

Sib Nibasi tulea Kasi  
Dhaneoa nadi Kankaná  
Dhaneoa Ragu Nandaná.

A very good account is given of Shibnibás in Heber's Journal, Vol. I. pp. 120; the Rajah built here 108 temples of Shiva and endowed them richly with land for the maintenance of the officiating priests. **RANIGHAT**, so called from the Ráni

of Krishna Chand, is the abode of many rich Zemindars and particularly of the Chaudris. Human sacrifices were offered here in the time of Krishna Chand: some of the Zemindars there have been very oppressive, and were in the habit of rubbing a hot iron over a man's body and making him then sign stamped papers. Chandi Bhattacharjya died here in 1841; he had 40 wives. Ragananda, the dewan of Krishna Chand, lived here, he was noted for his inhospitality, and the following lines were composed on him:—

Rájbari ghorí baja tantaná  
Dui prahare atit gele,  
Muktu máre chatkaná.

Dakoits swarmed here when Tytler was Magistrate in 1809. Not far from Ranighat, is ULA, so called from Uli a goddess, whose festival is held here, when many presents are made to her by thousands of people who come from various parts: there are a thousand families of Brahmans, many temples, and rich men living in it. As Guptaparà is noted for its monkeys, Haliashar for its drunkards, so is Ula for fools, as one man is said to become a fool every year at the mela. The Baruari Puja is celebrated with great pomp; the headmen of the town have passed a bye-law that any man who on this occasion refuses to entertain guests shall be considered infamous and shall be excluded from society. Saran Siddhanta of Ula had two daughters, who studied Sanskrit grammar and became very learned: in 1834, the babus of Ula raised a large subscription and gave it to the authorities to make a pakka road through the town.

On the opposite side of the river is GUPTAPARA; the people of which are famous for their activity and wit and the purity of their Bengali: there are 15 tolas and many pandits who study the *Nyaya Shastrá*; it is also notorious for thieves and Brahmans. In 1770, Cheringib Bhattacharjya of Guptapara composed in Sanskrit, the *Vidyanmodu Tarangini*: it treats of Hindu philosophy, and is in high repute among the natives, it was translated into English in 1832 by Rajah Kalikissen of Calcutta. There is a temple of Radha Ballub; the sons of the founder have an endowment for supplying travellers with food and drink. Guptapara is noted for its monkeys, which are very large and very mischievous, they sometimes break the women's kalsis; it has become a native proverb that, to ask persons whether they come from Guptapara, is equivalent to inquiring—are they monkeys? Rajah Krishna Chandra Ray is said to have procured monkeys from Guptapara and to have married them at Kishnaghur, and on the occasion to have invited pandits from Nudiya, Guptapara, Ula and Santipúr: the expenses of the nuptials cost about

half a lakh : though there are many monkeys on the east side of the river, there are no *hanumans*, or apes among them. The Rajah of Bishenpúr was formerly so annoyed with monkeys who used to come into his palace and steal his provisions, that he at last requested a body of sipahis to destroy them. Stavorinus mentions seeing a great number of monkeys in a wood at Guptapara. There is a celebrated mela here ; in 1845, in consequence of the boat swamping, 40 women were drowned as they were crossing over to the mela. At *Sumúru* village human sacrifices were offered in 1770—*Ballaghur* is the abode of many kúlíns, in the temple of Radhagovinda 12 Brahmans and 50 beggars are daily fed ; it has an English school :—*Jirát* is the residence of many Vaishnavas and Vaidyas ; there are two tolas in which law and logic are read : there are 30 families of Ghosains, who have a hospice there for the entertainment of all castes : Sudam, Radakanth and Swarup, notorious dakoits, lived there. *Gokal Ganj* is so called from Gokal Ghose, who 30 years ago made a bazar there ; in 1822 the government erected a bungalow for the occasional residence of their then superintendant of schools.

{SANTIPUR has long been famous for its learning : it was the residence of Adwaitya, born 400 years ago, one of the friends of Chaitanya, a Hindu reformer. There are still over 30 tolas, though they are much fewer than in former times : one-third of the people are Vaishnavas, several of the descendants of Adwaitya live at Santipúr : there is a temple which cost two lakhs, erected by Chaudri Babu, it is called Shamachand. A Kúlin, Chandra Banerji, was killed here 30 years ago ; he was married to 100 wives and was murdered by the brother of one of them on account of his profligate conduct towards his sister ; eight of his wives performed *sati* on his funeral pyre. Satis were numerous here formerly : out of 56 Satis in 1816, in the district of Nudiya, 20 were performed at Santipúr. Human sacrifices were also frequent ; even as late as 1832, a Hindu, at Kali Ghat, Calcutta, sent for a Musalman barber to shave him : he asked him afterwards to hold a goat while he cut off its head as an offering to Kali, the barber did so, but the Hindu cut off the barber's head and offered it to Kali ; he was sentenced by the Nizamut to be hung. A few years ago a number of Brahmans assembled at Santipúr for puja and began to drink and carouse after it ; one proposed a sacrifice to Kali, they assented, but having nothing to sacrifice one cried out, where is the goat, on which another more drunk than the rest exclaimed, I will be the goat, and at once placed himself on his knees ; one of the company then cut off his head with the sacrificial knife, when they woke the next morning from their

drunken fit, they found the man with his head off, they had the corpse taken to the Ghat and burned and reported the man died of cholera. Suicides are on the increase, women think little of hanging themselves for any trifling domestic disturbance; Ghat murders are also of occasional occurrence: an old woman was found lately dead at the Ghat with her mouth stuffed with mud; a man came some time ago to the magistrate, he was 45 years old and requested leave to be burnt, as he said he was tired of life and burning would be a blessing; the magistrate offered him money which he refused, that night he was burned. The obscene rites of the Tantra Shastra are sometimes celebrated there; one of them is the worship of a shamefully exposed female. A Brahman of Santipúr in the time of Rajah Krishna Chand was accused of criminal intercourse with the daughter of a shoemaker; the rajah forbade the barber to shave him or the dhobi to wash for him, he applied to the rajah for pardon and afterwards to the Nawab, but in vain; subsequently the Rajah relented and allowed him to be shaved, but the family have not regained their caste to the present time. Bribery is very common; false witnesses charge two annas a day, for which they will swear to any thing. Santipúr has a great number of brick houses; it is noted for its ghosains, ("Gentoo bishops" as Holwell calls them,) tailors and weavers: fine clothes called *urini* are made; there is a Sugar Factory 2 miles from the town, 700 persons are employed in it, and 500 mds. of sugar refined daily. The river has made great changes: a century ago it flowed behind the Sugar Factory, 2 miles away from its present bed. Rennel's map marks Santipúr at a considerable distance from the river. In 1845 a grant of 20,000 Rs. was made by Government for the repair of the road leading to Kishnaghur.

The Commercial Residency of the East India Company was maintained here up to 1828; clothes to the value of 12 or 15 lakhs were purchased every year by the Company from the weavers: the commercial resident had a salary of 42,351 Rs. annually, and lived in a magnificent house with marble floors, built for him at the cost of a lakh; it was sold for 2,000 Rs. In 1822, the East India Company cloth manufactory gave employment to 5,000 persons: 1802, the Marquess of Wellesley spent two days at the Residency: and 1792, there were shipped for England from the Santipúr factory 14,000 mds. of sugar. Marjoribanks was the last resident and his plans failed. We have an account of Indigo Factories near it in 1790; in the vicinity of Santipúr are the Indigo Factories of Gangadarpúr, Kali Ghat, Nanda Ghat and Hurni Khal under the management of Europeans. Mr. May, the Superintendant of the Nudiya rivers, was

engaged in 1836 in surveying a line of a proposed still water canal from the Húgly near Santipúr to Mangra on the Nabaganga river, which, if cut, would have afforded a certain communication with the great river at all times of the year. No place on the river was so infested with dakoits as Santipúr until the appointment of a Deputy Magistrate who is *resident* there: even Zemindars and respectable babus were in league with the dakoits; no native would formerly venture to pass Santipúr at night; guard boats are now employed, which sail swiftly and put a great check on river dakoity. There is an English School at Santipúr: 1822, Messrs. Hill, Warden and Trawin, of the London Missionary Society, preached in Santipúr; they remark that "the people have much simplicity and received the truth more earnestly than Bengalis generally." They examined whether Santipúr would not make a suitable mission station: they reported that "Santipúr has 50,000 inhabitants at least and 20,000 houses, many of which were built of brick and exhibit evident marks of antiquity,"—that it had a vast population—was contiguous to other large and populous villages, being only  $3\frac{1}{2}$  miles from Guptapara, which contains 10,000 people, about 4 miles from Ambika and Kalna, two adjacent villages, the aggregate of whose population is 45,000—"the favorable disposition of the moral feelings of the people, which we conceive has been cherished materially by the general instruction which has been diffused by the Company's schools"—the opportunity of obtaining medical assistance from Kishnaghur, 12 miles distant—the situation of the place close to the river with every facility for intercourse with Calcutta—induced them to recommend it as a mission station. Here Holwell was landed as a prisoner on his way to Múrshidabad, after surviving the misery of the Black Hole: he was marched up to the Zemindar of Santipúr "in a scorching sun near noon, for more than a mile and a half, his legs running in a stream of blood from the irritation of the irons." From thence he was sent in an open fishing boat to Múrshidabad, "exposed to a succession of heavy rain or intense sunshine." He was lodged in an open stable; he experienced however every act of kindness from Messrs. Law and Vernet, the French and Dutch chiefs of Kasimbazar; as also from the Armenian merchants. He was led about the city in chains as a spectacle to the inhabitants, to show the condition the English were reduced to.

(KALNA (Culna) lies on the opposite side and is noted for its great trade, being the port of the Burdwan district, the bazar has 1000 shops, the houses are chiefly of brick. Great quantities of rice bought from merchants of Rangpur, Dewan-

ganj, Jaffirganj, are here stored up, grain, silk and cotton also form a large staple. Kalna must have been a place of some importance in Musalman times, as the ruins of a large fort are still to be seen near the Mission House, which commanded the river: great numbers of snakes are brought to it from various parts of the country, the village of Ambika is situated near it, so called from Ambika, the goddess Durga. Kalna is said to have 60,000 inhabitants, the chief part of whom come from different parts of the country to carry on trade here, "they have not the simplicity which villagers generally have, but are more deceitful." The Raja of Burdwan has a magnificent mansion here, in which is a Dhatrita or alms-house, where several hundred beggars are daily fed on flour, ghi, rice and dhal; there is an atitshala for travellers; close to it is a place called a Somaj Bati, where a bone of every deceased member of the Rajah's family is deposited, while a bone of the last Rajah is exposed wrapt up in cloth; the Rajah belongs to the Khetrya tribe, who bury the ashes of the dead: inside of the Rabjari are 108 temples of Shiva, ranged in two circles, one within the other, above 50 priests are employed to serve them: the buildings must have cost a large sum of money, but it is to be observed that the zemindary of Burdwan is the only great estate which has suffered no diminution since the English Government was established, while the estates of Kishnaghur, Rajsháhi, Dinajpúr, and Vishnupúr, formerly equal to the patrimony of princes, have been broken up and sold for arrears of revenue. In 1832 the old Rajah of Burdwan died at Ambika: the succession was afterwards disputed, and one Pratab Chand came forward to claim the property, stating that he was the real Rajah and had not been really burnt; the trial lasted a long time and was sent down to the Sadar, the decision filling 100 reams of foolscap,—as if the Sadar judges could have either leisure or inclination to wade through such a mass of documents,—in order to come at the truth! The editor of the *Darpan* remarked of the trial, "such a scene of villainy has been brought to the light by this trial, as has never, we believe, been exhibited in Bengal before. If the prisoner be the real Pratab Chand, the villainy by which the present Rajah has been seated on the gadi to the injury of the rightful heir is most surprising. If on the contrary, the real Pratab Chand did actually die and his body was burnt, the pretender will stand unrivalled for roguery." 10,000 persons assembled on the first day of his trial at Húgly: the popular feeling was in favor of Pratab Chand.

The river formerly flowed behind Kalna, where old Kalna

now is; it passed by Pyagachi, the remains of deep and large Jils are still to be met with there. Old Kalna is deserted as a place of trade, but is the residence of many respectable natives. Tieffenthaler states that at Kalna the Ganges forms a bay. At Baydapúr near Kalna about 1820 there were two Rathes kept at a short distance from the town, near an unfrequented road; many persons were murdered by robbers who concealing themselves there, sprang out, killed the travellers and hid their bodies among the wheels of the Rath; the people suffered much, but could not find out the murderers, at length some said the Rath was the cause: they burned it to the ground and then *the murders ceased*. Some of Sleeman's approvers told him that *pungus* or river thugs lived near Kalna and also near Katwa. Many persons were formerly killed at Kamardanga Khal near Kalna, so that it was unsafe to pass through it even by day. West of Kalna is a tank occupying eight bigahs, where a mela is held: near it are two fine ruins of mosques, one of which has layers of stone running through the building, ornamented with tracery; it contains the tomb of the founder. A good road was made between Kalna and Burdwan in 1831, with bungalows, stables, and tanks every 8 miles, by the Rajah of Burdwan, chiefly with the design of enabling him to bathe in the Ganges. Kankar is found near this road; the country to the west of Kalna is high ground, richly wooded. In 1837 property to the value of a lakh was consumed in the bazar, the fire lasted three days. In 1822 Messrs. Hill, Warden and Trawin visited Kalna and found that numbers of the boys could read. Kalna now forms a station of the Free Church Mission, and has an English school there containing 120 boys. A mela called Gachemi is held in March, attended by numbers of Musalmans and Hindus. A Musalman Zemindar here holds a grant of 160 bigahs made to him by Sultan Suja 200 years ago, and continued by the Rajah of Burdwan; at the village of Chaga is an image of Shiva, which is fabled to produce images of itself and is immersed in water for ten months every year:—*Kulti* is said to produce roots which cure spleen, as *Mukutpúr* has roots which are said to cure the bites of dogs.—Holwell states that in his time (about 1760) there was at Amboah near Kalna a College of Brahmans supported by the people for the purpose also of maintaining the monkeys in the adjacent groves.

MIRZAPUR KHAL lies north of Kalna, and was designed to be the terminus of a canal to lead from the Hugly at Kalna to Rajmahal. The Military Board in 1844 reported that no permanent improvement can be made in the channels

of the Nudiya rivers owing to the shifting of the channels : they recommended a canal from Kalna to Rajmahal 130 miles long, 50 feet broad, and 5 deep, which would cost at the lowest 3,847,437 rupees ; boats going to the Ganges from Calcutta would save a round of 326 miles by it, they calculated on a profit of  $14\frac{1}{2}$  per cent. by it : the Government had a surplus of 3,235,950 rupees from the tolls on the Bhagirathi, Circular and Tolly's canals and the Nadya rivers. The DHOBA factory owes its origin to the enterprising spirit of Mr. Blake, who risked his fortune in it ; Colonel Sleeman very justly proposed that the Agricultural Society should give him a gold medal for advancing the Sugar manufacture in India, he established it under the most unfavorable circumstances, and on his arrival in England he was offered four lakhs for the concern, but he formed a joint Stock Company, which purchased the works from him for  $4\frac{1}{2}$  lakhs, and he retained 300 shares for himself ; in 1836 they manufactured 800 tons of sugar. There are four Europeans and 250 natives employed. It has a number of factories as Tremoni in Jessore on the Kabbadak ; Kissapúr, Jessore ; Chandpur near Chaugachha ; Rari Khali ; Narikalbari ; Sudpúr ; Bonmari : Kauchanagar : Surui ; Santipúr. We find that in 1801 a Mr. Carden lived at Santipúr as Superintendant of rum and sugar works belonging to the E. I. C. He then introduced the China cane which he describes as not liable to the ravages of white ants and jackals ; the E. I. C. had a sugar plantation farm at Santipúr. Mirzapúr is described by a traveller of 1822 thus, " this village is situated on a beautiful arm of the river, and presents some of the most rural enchanting scenery which we have seen in India."

We next come to the far famed NUDIYA, Nabadwip ; all its early history however, like that of Gaur, is buried in the wreck of time : we need not be surprized that we have few records of Nudiya, when we find that we have scarcely any of Gaur, though as late as 1556 Gaur was a flourishing city three leagues long : though the streets were wide, yet the people were so numerous that they were sometimes trodden to death : it was 20 miles in circumference and the rich people used to eat their food from golden plates. (The earliest fact we know about Nudiya is that in 1203 it was the capital of Bengal and was surrounded with a wall, that Lakhman Sen, its last sovereign, was at dinner when news reached him that Bhaktiyar Khilji, the Musalman general, was marching into the city, on which he made his escape to Vikrampúr in a small boat ; his nobility apprehending a Mahomedan invasion, had some time before deserted the city. Nudiya was plundered and sacked by Bhaktiyar and the seat of empire



was transferred to Gaur. In Lakhman's time Bengal became independent of the Magadh empire, to which it was subject before.\* As to how long Nudiya was the capital, or what Kings lived in it, or why that place was selected, not a single ray of light is furnished either from tradition or Mss. "*sic transit gloria mundi*"—the condition of the people at that time was probably semi-barbarous, as they very likely used the Bengali language, which was then a very poor idiom, as it has had no grammar until within the last sixty years; the upper classes and priesthood spoke and wrote in Sanskrit. Even the Bengal Brahmans were so illiterate in the days of Adisur that he procured the services of certain Brahmans of Kanauj who had gone to Ganga Sagar to bathe. Bhaktiyar was the first Musalman invader of Bengal.† The caprices of the river have not left a fragment of any old buildings; in Lakhman's time it flowed at the west of the present town near Jehannagar; and old Nudiya, which was swept away by the river, lay to the north of the existing Nudiya. The old town was on the Kishnaghur side of the river, hence when Bengal was divided into zillahs, the district of Kishnaghur was called the district of Nudiya; Government lately intended to attach Nudiya to the Burdwan district on account of its being on the other side of the river; in 1840, a gentleman of Kishnaghur dug up the remains of fish 12 feet beneath the ground in Nudiya.

Nudiya derives much of its celebrity from its having been the birth place of Chaitanya, the great Hindu heresiarch; hence the Chaitanya Bhagavat writes, "No village is equal to Nudiya in even earth or hell, because Chaitanya was there incarnated, no one can tell the wealth of Nudiya, if people read in Nudyia they find the ras of learning, and the number of students is innumerable." Chaitanya was born at Nudiya A. D. 1346, his father was

\* *Lakhman's* mother was of the royal family of the Sovereigns of India; his birth cost the life of his mother, who by unnatural means postponed her accouchement until after a particular hour specified by the astrologers. He was so attached to Nudiya, that, notwithstanding the warnings of Brahmans and astrologers, and tho' the nobles and chief inhabitants, apprehensive of the invasion, sent away their families and property to Jagannath or the countries North East of the Ganges—yet he would not quit it until he was surprised at dinner by the cries of his royal attendants, who were being slaughtered by Bhaktiyar and seventeen of his troops, (he had concealed the rest of his troops in a wood near the city and had passed the guards, disguised as an enemy). The Musalmans killed a great number of the Hindus. Bhaktiyar allowed the city to be sacked, reserving only the public stores and elephants for himself, the troops also plundered all the neighbouring villages. The old Rajah went to Jagannath and died in the vicinity of the temple soon after.

† He was an Affghan, of disgusting appearance, so that his deformity caused his rejection as a volunteer by Mahommed Ghory and Kutub-ud-din, yet in spite of his "vile body," the qualities of his mind shone out, and he was appointed to head the invasion of Bahar and Bengal: After sacking Nudiya, he took possession of Gaur, he died of grief at Deocote, in consequence of the total failure of his expedition to Assam and Tibet.

a Baidik Brahman: at 44 years of age he was persuaded by Adwaitya to become a mendicant, to forsake his wife and go to Benares; he then formed a sect, teaching them to renounce a secular life, to eat with all those who are Vaishnavas, he allowed widows to marry; the Ghosains are his successors; one-fifth of the population of Bengal are followers of Chaitanya: his disciples are on the increase. Todd thinks the worship of Krishna succeeded that of the simple form of Hindu worship, viz. of the Jains, who adore *jin* or spirit. Nityananda, a coadjutor of Chaitanya, resided in the midst of Nudiya; his image is there still and is worshipped. The era of Chaitanya, formed the commencement of Bengal literature.

The settlement of Chaitanya and his followers at Nudiya (Chaitanya died A. D. 1396,) together with the Court of Bengal having been held there, were probably the chief causes of its having become a seat of learning: tradition however states that a learned devotee settled there, when it was a dense jungle, who attracted a number of learned men to the place: probably Nudiya derived its original supply of Pandits from Tirhut. The Ayin Akbary mentions that in the time of Lakhman "Nudiya was the capital of Bengal and abounded with wisdom;" in 1819 there was a handsome temple of Krishna finely ornamented.

Human sacrifices used to be offered in the temple of Durga at Brahmanitala near Nudiya: in 1799 at Bagna Para 37 widows were burnt with their husbands, the fire was burning 3 days; on the first day, 3 were burnt, on the second, 15, and on the third day, 19; the deceased had over 100 wives:—in 1807, the *Tapta Mukti* or ordeal by hot clarified butter was tried before 7000 spectators on a young woman accused by her husband of adultery:—a meeting of Brahmans was held in 1760 at Kishnaghur before Clive and Verelst, who wished to have a Brahman restored to his caste, which he had lost by being compelled to swallow a drop of cow's soup; the Brahmans declared it was impossible to restore him (though Ragunandan has decided in the *Prayaschitta Tatwa* that an atonement can be made when one loses cast by violence) and the man died soon after of a broken heart. Nudiya was then the head quarters of Hindu orthodoxy, the place of Hindu retreat; Gunga Govind Singh, the dewan of Warren Hastings, after having acquired immense wealth, retired to Nudiya with two or three hundred Vairagis, leaving all his money to his grandson Lalla Babu, who withdrew to Brindaban, where he expended 6 lakhs on temples, tanks, &c.:—Gunga Govind Singh erected a temple over 60 feet high, which was washed away 25 years ago by the river; it was at

Ramchandrapur and supplied food to many fakirs and pilgrims of the Vaishnavas: he himself was a Sudra. At Bullal Digy, north of Nudiya, the house of the famous Bullal Sen stood, there were formerly many temples, but the river has swept them also away: Lord Valentia writes in 1805, of "a very handsome Musalman College at Nudiya, which was for three hours in sight and bore from us at every point of the compass during this time." The bore came up to Nudiya in Sir W. Jones' time; beyond it cocoa trees do not flourish. In 1835 a Dharma Sabha was established, called that of the Ten Thakurs, they punished offenders by excluding them from caste, by sending them, when they transgressed the Regulations, to the magistrate of Kishnaghur, or by prohibiting midwives attending their wives in confinement. An Almanac has been published in Nudiya long before the time of Rajah Krishna, it is superior to that of Bali or that of Maula near Murshidabad: this almanac regulates the principal festivals. In May 1817, the *cholera* began in Nudiya, in 1818 it spread through India, then in 1820 to China, 1821 to Arabia and Persia, 1823 to Russia, Prussia, and in 1832 to London. The neighbourhood of Nudiya until recently was in a wild state, 80 years ago people were obliged when travelling to sound instruments to scare the tigers away; about 1802 gentlemen used to go to Kishnaghur to hunt tigers, and in 1826 a tiger was killed at Dhogachea, 6 miles west of Nudiya. Dr. Leyden wrote in 1809 to Sir S. Raffles that he was for several months magistrate in Nadya, where he was engaged "bush fighting in the *jungles*." Jahanagar (the same as Brahmanitala) west of Nudiya has a great mela in July, the tradition is that Jahna Muni there swallowed up the Ganges. A cow called Ramdenu is worshipped in Nudiya. Another Ramdenu is worshipped in Benares; it must be one of an age to give milk, which yet has never been capacitated to do so; when one dies another is selected: she is chiefly worshipped by the person in whose house she is. There are over 30 temples in Nudiya and about 100 tolas, it is a finishing school for those pandits who wish to know logic thoroughly as Rarhi or Burdwan is for Grammar students, and Kanakhya Kishnaghur for law students; there are students here 45 years old, many come to study from the distance of Assam, so that the remark of Dr. Carey, who visited Nudiya 1794, is perfectly just, "Several of the most learned pandits and Brahmans much wished us to settle there: and as this is the great place of Eastern learning we seemed inclined, especially as it is the bulwark of heathenism, which, if once carried, all the rest of the country must be laid open to us." Lord Minto wrote

a very able minute, recommending that two Sanskrit Colleges should be established, one at Tirhut, the other at Nudiya; he encouraged learning there, giving two chief pandits 100 Rs. monthly each, prizes were awarded to the best native scholars, in the first class 800 Rs., in the 2nd 400, 3rd 200, 4th 100, besides a *khelat* to the one most proficient. The C. M. S. have had an English school here during the last eight years. The Rev. Mr. Deer, of the C. M. S., founded schools 16 years ago in Nudiya.

AGRADIP is called by Wilford, Aganagara, and is famous for the Mela called baroni held in April, established for three centuries; these melas also answer commercial purposes like the fairs of Germany (*ferie*;) at Ganga Sagar mela in 1838, goods to the value of 12 lakhs were sold. In 1823 Agradip mela was attended by 100,000 persons; in 1813 two women cast their children into the river, but the fathers took them out again and paid a certain sum to the Brahmans for their ransom! People from Dacca and Jessore used to throw their children to the Ganges there. At Katwa two mothers did the same, one of the children was taken up, but the mother seized it again, broke its neck, and cast it into the river. The great attraction here is the image of Gopinath or Krishna; its history is the following—Ghosh Thakur was sent as a disciple of Chaitanya and Nityananda to Agradip, to take a certain stone and make out of it an image of Gopinath to set up there as an object of worship: Ghosh Thakur did so, it became famous; after his death the image fell into the hands of the Rajah of Kishnaghur, who sent a Brahman to perform the ceremony before the image and receive the offerings: the offerings to the image yield an annual profit to the owner, the Rajah of Kishnaghur, of about 25,000 Rs.; Rajah Nabakissen seized it 30 years ago on account of a debt due to him, the lawful owner however regained it by a law suit, not however before a counterfeit one had been made exactly resembling it: the image is fabled to reveal many secrets; different castes eat together at this mela: Gopinath means Lord of the caves, as Krishna was worshipped formerly in caves chiefly at Gaya, and Jalindra near the Indus. The temple in which Gopinath is placed was endowed by Rajah Krishna Chand with lands to the annual value of 7,000 Rs; in 1828 the old temple was washed away by the river and the present temple is erected one mile from the river, built in the European style of architecture. Forty years ago there was a cloth manufactory here. In Rennel's time Agradip was situated on the left bank of the river, it is now on the right; it was on the left bank when Henry

Martyn visited it in 1806; he saw there a wild boar of very large size walking on the side of the river: we find that in 1769 the Bengal Government paid 1,918 rs. to Bildars and Kulis for cutting down "the tiger jungle" at Pattehah in Agradíp; in 1771 the charge was 873 rs.—A storm occurred here in 1832 which sunk the boats of a regiment of soldiers.

*Dewanganj* Indigo factory established 53 years ago, lies north of Agradíp, it gives employment to a number of *buneas*, a class of aborigines like the Bagdi, Poda, Harin, Dhangas, who came from Gaur and retired to the hilla. Pliny mentions Indigo being brought from India; it was formerly called in Germany "the Devil's dye" and the use of it was prohibited: the Elector of Saxony in Queen Elizabeth's time describes it as "a corrosive substance, not fit food for man or devil." In 1783 the attention of the East India Company was directed to the cultivation of it in Bengal. There are twenty-nine Indigo Factories between Nudiya and Múrshidabad. At one of these, Dr. A. Rogers tried experiments on the flax cultivation, having brought out a Belgian for that purpose. Chamberlain, a celebrated Missionary of Katwa, used often to visit this place, and placing himself beneath the shade of a large tamarind tree, "preach to successive congregations from sun-rise to sun-set."

*KATWA* (Cutwa,) called by Arrian Katadupa, raises up a host of associations connected with stirring scenes in Bengal history: here Clive arrived in 1756 on his route to Plasi, expecting to meet Mír Jaffir, but on his not arriving, he saw that the fate of the English hung on a hair—should he wait two or three days at Katwa, the French under Law would by that time arrive and join the Nawab's 50,000 troops;—should he fight, the river was only fordable in one place, and if defeated, "not one man would have returned alive to tell the tale:" in this crisis he called a Council of War, in which every member voted against coming to an immediate action, except two Captains; Clive afterwards remarked this was the *only* Council of War he ever held, and that if he had abided by that Council, it would have been the ruin of the East India Company; after twenty-four hours' consideration, Clive took on himself the responsibility of breaking the decision of the Council, and ordered the army to cross the river. Coote was in favour of immediate action, on the ground that delay discourages soldiers, and that the arrival of Monsieur Law, (to whom the Nawab allowed 10,000 Rs. monthly,) would give vigour to the counsels of the Nawab, that many French and English soldiers would desert to Law, besides "the distance from Calcutta was so great that all com-

munication from thence would certainly be cut off." Katwa was formerly regarded as the military key of Múrshidabad, within six miles round it there is a population of 100,000. Pere Tieffenthaler describes it as a place where "they make much fine stuffs of cotton and silk," it is still the great port for the Birbhum district. In the Gola Ganj there are several hundred shops which sell sugar, cloth, iron; in 1836 the Rajah of Kewgang in Birbhum offered to make a pakka road from Sûri to Katwa, a distance of forty miles, provided he should be allowed the service of convicts on the road; the Judge of Burdwan remarked in 1802, "commerce has been much extended by the opening of the three grand roads leading to Húgly, Kalna and Katwa, which have been lately put into a state of repair by the labour of the convicts, and nothing can more forward the commerce of this district which has not the advantage of inland navigation, or more conduce to the general convenience of the inhabitants than good roads." There is a temple of Maha Probhu frequented by numbers of bairagis and travellers, they are fed there at the cost of the shopkeepers who contribute one pice out of every 100 rs. to defray the expense. In 1812 a leper was burnt alive here, he threw himself into a pit 10 cubits deep, there being fire at the bottom; the leper rolled himself into it, but on feeling the fire, he begged to be taken out and struggled to get free; his mother however and sister thrust him in again and he was burnt to death; he believed by so doing he should be transmigrated into a finer body: in Calcutta a few years ago there were 531 lepers, of whom 118 were beggars: lepers have burnt themselves alive in Katwa as recent as 1825. About 1810 the headless corpse of a man was found in the temple of a certain goddess at the village of Serampur near Katwa, it had been offered as a human sacrifice. Múrshid Kúli Khan erected at Katwa guard-houses for the protection of travellers; one of his officers had charge of it, and whenever he caught a thief, used to have his body split in two and hung upon trees on the high road. Katwa was the scene of various battles between the Musalmans and Mahrattas, those hardy warriors, "who deserted the plough for the sword, and the goatherd made a lance of his crook;" various parts of Bengal verify the remark of Todd, "the Mahrattas were associations of vampires, who drained the very life blood wherever the scent of spoil carried them; where the Mahrattas encamped annihilation was ensured; twenty-four hours sufficed to give to the most flourishing spot the spectacle of a desert;" these very Mahrattas scrupled to kill the most noxious animals, while they eagerly employed their tulwars in the destruction of man! Ali

Verdy Khan retreated in 1742 before the Mahrattas from Midnapúr to Katwa during 7 days, through a miry country, and incessant showers of rain, with no bed for the soldiers but the bare earth and no food but grass and leaves of trees—one of the most enterprising achievements in history, exhibiting a power of endurance which somewhat reminds us of the celebrated retreat of the ten thousand Greeks. The Mahrattas invaded Burdwan as late as 1760. Chaitanya paid a visit to Katwa about 1370 to see Kesab, a sanniasi, who lived there.

The Aji river lies to the north of Katwa, it is said to have been formerly a deep stream, but to be now silted up; Wilford calls it the Ajamati or shining river, it is the Amystis of Megasthenes; Arrian mentions it; it is named the Ajaya in the *Galava Tantra*, which states that whoever bathes in it becomes unconquerable. Jaydeva, the great lyric poet of Bengal, was born on the banks of the Aji near Kenduli in the opinion of Lassen, and the Vishnuvites; though others assign his birth place to Tirhút or Orissa. The Gita Govinda was translated by Sir W. Jones into English, by Lassen into Latin, and by Ruckert into German. The great Akbar was an enthusiastic admirer of the mystic poetry of Jaydeva, so like the Sufism of the Persians, his poetry is studied very much at Nathdwara near Udyapur: Jaydeva lived according to Todd 3000 years ago; according to Lassen A. D. 1150, his tomb is at Kenduli near Ilambazar, and there is an annual festival held there resorted to by numbers of Vaishnabs, as Jaydeva strongly recommended in his writings the worship of Krishna, particularly in his Gita Govinda, which he composed at Katamkhandi, a village 12 miles north of Ilambazar, the place is still called Jaydevpara. L. Sen, a poet, lived on the banks of the Aji, 12 miles from Katwa, people travelling are fond of singing his poems, there is an account of him in the Dharma Puran, as also a description of Katwa. The Dhoba Company have Coal stores at Katwa, they bring their coals down the Aji, which is a very dangerous stream, as the boats are often swamped by sudden rushes of mountain torrents. The Aji and Babla sometimes flow down with such violence from the Birbhum hills as to cause the Bhagirathi to roll back its waters. To the north of the Aji is the FORT OF KATWA, which was half a mile in circumference, taken by Coote in 1757; it had 14 guns mounted then: in 1763 Captain Long took it from Kasim Ali: the walls were of mud, it commanded the river; Major Coote, with 200 European and 500 Native troops and 2 guns, came to the banks of the Aji and called on the garrison to surrender, the Sipahis crossed the river and fired on

the garrison under shelter of the bank, when the garrison saw the Europeans cross the river, they set fire to a shed of mats which had been made to protect the walls from the sun and escaped to the north ; within the fort and in several granaries in the neighbourhood the English found as much rice as would support ten thousand men for a year. At the close of the rains of 1742 Ali Verdy had 600 of his soldiers drowned on the breaking of a bridge of boats as he was crossing the Aji to attack Bhaskar Rao in Katwa : the Mahrattas had then possession of all the country west of Múrshidabad, so that the inhabitants of the city were obliged to remove their property across the Ganges, as the enemy in the dry season had plundered all the country about Plasi and Daudpúr.

Following the tedious and shifting windings of the river we come to the field of PLASI (Plassey) so called from Palasa, a tree counted very holy ; Sir W. Jones states that there was a grove of those trees at Plasi formerly, they were to be seen at Kishnaghur in Jones's time. Of the famous mango grove called Lakha Bag, from there having been a lakh of trees in it, (this tope was about a mile to the east of Ramnagar Factory,) all the trees have died or been swept away by the river, excepting *one* under which one of the Nawab's generals, who fell in the battle, is buried ; the place is called by the natives *Pirha Jágá*, and is held sacred by the Hindus and Musalmans, but particularly by the last. This grove was 800 yards long and 300 broad, it existed at the time of the battle, there is only one tree left ; the river has so changed its course as to have swept away every thing which was on the surface at the time the battle was fought ; as late as 1801 there were 3000 mango trees remaining and the place was notorious for dakoits who lurked in jungles there. An English traveller of 1801 thus writes about Plasi, " the river continually encroaching on its banks in this direction, has at length swept the battle field away, every trace is obliterated, and a few miserable huts literally overhanging the water, are the only remains of the celebrated Palasi," Murders and Dakoitis were formerly very common in the neighbourhood of Plasi, the jungly state of the country affording shelter to marauders of every description, it is now a cultivated plain. Important as the battle of Plasi was to the English interests, there was another equally so, the battle of Biderra near Chinsura, for as Holwell remarks, had the Dutch gained the victory they would have been joined by the Nawab, " and not an individual of the Colony would have escaped slaughter." Clive is said to have fallen asleep, amid the roar of the cannon in the battle, when he awoke he found the enemy retiring, but



he put Major Kirkpatrick under arrest for advancing without his orders—while he was asleep, one cause of the defeat of the Nawab's troops was that their matchlocks did not fire owing to the rain having wetted the powder. A life of Clive was published by an Italian in 4 vols. It was compiled by a deadly enemy of Clive, who wrote it with the intention of damaging his character. We mention the following few notices of him which are little known and are not recorded in Malcolm's Life of Clive—Clive was called by Pitt in the Senate "the heaven born general"—he learned dancing at Paris 1763, in order to please the French ladies—many of the French nobility, who despised all the mercantile class, condemned Clive for having been in a mercantile office—he forbade all the Company's servants in India the use of palankins, and the junior servants the use of even an umbrella—he rose early and then executed a good part of his business, afterwards breakfasted and then took exercise:—he was rather reserved in company—he was a great enemy to interlopers, when leaving India 1767 he issued orders that all free merchants should be recalled to Calcutta and should not quit it.

Clive knew nothing of the vernaculars—Clive the warrior of India and Orme his historian were appointed writers the same day—after the battle of Plassey he proposed to the authorities the conquest of China, in order to pay off the national debt!—Mír Jaffir (nicknamed Clive's ass) sent a message after the battle to offer Clive several hundred of Suraj-ud-daulah's women which were taken in the camp—an East India Director once asked Clive whether Sir Roger Dowler (Suraj-ud-daulah) was not a baronet—this is as good as Lord George Bentinck's stating that if the price of sugar be raised, the hundred million of Hindus will not be able to sweeten their tea—Clive's voyage from England to Calcutta 1765 cost the East India Company 73,489 Rs.—He used all his influence and power to get Benodoram, a native favorite of his restored to caste, but failed—when he went home he was exposed to various insults from civilians or military men whom he had offended in India, once he was obliged to disguise himself three times in one day to avoid the pursuit of some of his enemies. Clive suggested a plan to Pitt for establishing a mighty empire in India, extending from the Ganges to Kambay, he proposed in 10 years to pay off the national debt from the diamond mines, and to divide the country into ten provinces with deputy governors in each. The people of Mírshidabad expected to be plundered after the battle, and were therefore greatly surprised when no contribution was levied on them,—Clive remarked that when

he entered Múrchidabad at the head of 200 Europeans and 500 sipahis, the inhabitants, if inclined to destroy the Europeans, might have done it *with sticks and stones*. RAMNAGUR silk factory\* is opposite the field of Plasi, the river formerly ran behind it. Saktipur near Ramnagar is noted for an annual mela of Shiva in March, when many visitors and shop-keepers repair to it from Calcutta and Múrchidabad, 30,000 people assemble : silk is produced chiefly on the west bank of the river, as the soil there is dark and more suitable for it. Near the village of Munkirra not far from Ramnagar, Ali Verdy treacherously assassinated Bhaskar Pandit with 19 of his officers. The troops of Suraj-ud-daula, when driven from Plasi, were pursued by the English to Daudpúr nine miles distant. The Nawabs of Múrchidabad then kept a stud of 300 of elephants there, they still keep them ; it was a hunting seat, there is a large *bil* called Kalantar near it, where abundance of Chera called dal is procurable for elephants ; from this place Mír Jaffir sent word to the English that he was come to join them, while the Nawab went to Múrchidabad and offered large sums of money to induce the soldiers to fight for him, but they would not ; at night he escaped from the palace windows with two or three attendants. Mangan Para lies north of Plasi, and is famous for the Kacheri of the Berhampúr Rajah.

RANGAMATI next presents its bluff cliffs, forty feet high, the only elevated ground in that neighbourhood, it being either a spur of the Birbhum hills or else rock decomposed *in situ*, the remains of the original level of the country : the earth is red, *ranga mati*, and of the same kind with that found near Rampúr Baulea and Midnapúr, the intervening soil of a similar description being probably washed away by a process of denudation ; Parasnath hill is 5,000 feet high, while all the surrounding country is a low table land ; red clay, like that of Rangamati, encompasses the Delta of Bengal and is found in Dinajpúr, Rajshahi, Dhaka, Goalpara ; Dr. McClelland observes, " this clay has long appeared to me like the remnant of the ancient continuous surface, through which the rivers have cut their channels for ages, so as nearly to have effaced it altogether." The legend respecting Rangamati is, that Bibisan, brother of Raban, being invited to a feast by a poor Brahman at Rangamati, as a token of gratitude rained gold on the ground, and hence the earth is red ; by others it is ascribed to Bhu Deb,

\* Belonging to Mr. W. Rose, an ingenious and enterprising gentleman, to whom, for his producing the best samples of white and yellow silks, the Agricultural Society have awarded two gold medals.

who, through the power of his *tapasya*, rained gold. Wilford writes that Rangamati was formerly called Oresphonta, Hararpunt or Hararpana, i. e. ground *árpaná* consecrated to Hara or Shiva. "Here was formerly a place of worship dedicated to Mahadeva or Hara, with an extensive tract of ground appropriated to the worship of the God; but the Ganges having destroyed the place of worship, and the holy ground having been resumed during the invasions of the Musalmans, it is entirely neglected. It still exists however as a place of worship, only the image of the Phallus is removed to a great distance from the river," it is called by the poets Kusumapúri, an epithet applied to favorite towns of theirs as Patna, Burdwan, Rangamati. The remains of pottery, which have been dug up, show that there was a large population here once: in the Mogul times there was a Fauzdar; and in 1767 the Zemindar of Rangamati received a *Khelat* at the *puna* of Mutijil to the value of 7,278 Rs. Rangamati was one of the ten fauzdaris into which Bengal was divided; it is resorted to as a sanatarium, and is a favourite place for pic nic parties; the undulations of land and scenery remind one of England; it abounds with partridge and snipe, and shooting excursions are often made there. It was once selected, instead of Berhampúr, for the erection of barracks, as being a high and healthy spot. In 1835 the Company's silk factory here was sold for 21,000 Rs. it had 1,500 bigas of land attached to it; the high land is not so well adapted for the growth of the Mulberry as that of the low alluvial soil in the neighbourhood; in 1784 Warren Hastings spent a few days here with Sir John Doyley—Hastings' name suggests various points—he was the first Governor-General who patronised Oriental and Statistical studies, as the inquiries on Tibet, Cochin China, and the Red Sea show; he supported, at his own expense, pandits in Calcutta to translate from the Sanskrit, poems and mythological works, and yet Burke could say of him "he never dines without creating a famine in the land!" His trial lasted seven years; two hundred Lords marched in procession on the opening of it to Westminster Hall. Hastings was *accessible to all natives*.

BERHAMPUR, so called from a Musalman officer Brampúr, who was in one of the Nawab's armies, is noted for its fine barracks. Our military frontier is now at the *Sutlej*, 80 years ago *Berhampúr* was the northern frontier station. In 1763 one detachment of the English troops occupied Birbhum, another Kishnaghur, while the body of the army was between Ghyretty and Kasimbazar. The barracks cost in 1765-7 the sum of £302,270; articles for them cost three times as much as in Calcutta. In 1768 the Chief

in Council of Kasimbazar appointed a committee to investigate into the exorbitant charges made; they suspended three covenanted Government officers for overcharges, amounting to two lakhs, the difference between the cost and charges to the East India Company. It was proposed to surround the barracks with a ditch to prevent the soldiers going to Múrshidabad and getting drunk, but it was found it would have cost a lakh. The Seir Mutakherim in 1786 states, "the barracks of Berhampúr are the finest and healthiest any nation can boast of; there are two regiments of Europeans, seven or eight of sipahis and fifteen or sixteen cannon placed there, and yet I heard men say that the Musalmans were so numerous at Múrshidabad, that with *brick bats* in their hands they could knock the English down." In 1771 Berhampúr, Chittagang, Dinapúr and Allahabad were regarded as the four head-quarters in Bengal. The English in a letter to Suraj-ud-daula in 1768 stated they did not wish to have any troops beyond the Karamnassa. George Thomas, who came out to India from Ireland as a common sailor, and became afterwards a general in the service of the Begam Sumrú and master of the province of Hurriana, died here in 1802 on his way to Calcutta to embark for Europe, and is interred in the burial ground. Creighton of Gaur, one of the first who established native missionary schools in this country, is also buried here; he lived for twenty years with the late Charles Grant at Goamalty, "without a single instance of a painful difference:" he published a plan of the best mode of establishing native schools, and supported several at his own expense, *he connected schools with his factories and gave daily instruction to his factory servants.* He died at the age of forty-two, and his friend W. Grant, a kindred spirit, was buried the next month, in the same graveyard with him.

"Little Henry," the subject of Mrs. Sherwood's beautiful tale "Little Henry and his bearer," is also buried here. Mrs. Sherwood lived to the east of the burial ground. At the time of the great famine of 1771, travellers were found dead here with money bags in their hands, as they could not purchase corn with them. 1810, in consequence of an earthquake the water of the tank here turned a dark green colour, and an immense number of fish, many of them weighing from 10 to 18 seers, floated dead on the surface, they were taken away in carts by natives, some were buried and some used for manure. A gentleman lived at Berhampúr in 1813, who was very anxious to improve the country, and seeing the natives carrying the earth in baskets on their heads, he procured six wheel barrows instead, which the natives used constantly

before him, but one day congratulating himself on advancing their improvement, he saw them carrying the wheelbarrows on their heads. (A theatre was established at Berhampúr in 1821. A Bible Association was established in 1830 and an Agricultural Society in 1837. To the south of Berhampúr is Gora Bazar inhabited by Musalmans or people from the North West, who speak Urdú: to the south east of Berhampúr two miles the *Cheltia Mela* is held in honor of Roganath, it is attended by about 20,000 people. Berhampúr was forty years ago the residence of General Stewart, who used to offer puja to idols and worship the Ganges—he lived to an advanced age, was well acquainted with the manners of the natives; his Museum in Chauringi was opened to the public; during the last years of his life he fed an hundred destitute beggars daily: he was called “Hindu Stewart.” Like Job Charnock he married a Hindu, and she made a Hindu of him. At *Vishnupúr* human sacrifices were formerly offered.

KASIMBAZAR is so named from Kasim Khan who founded it: it gives its name to the island of Kasimbazar, included between the Bhagirathi from Nudiya up and the Jellingi; tigers and boars abounded in the neighbourhood thirty years ago, as also birds of beautiful plumage; Lord Valentia however states that there were no tigers there in 1802, owing to the increase of population and the rewards of ten rs. per head for every tiger, offered by Government. At different periods, Government spent a lakh and a half in Bengal in rewards for killing tigers; it was a regular charge at the Kacheri of Húgly. Kasimbazar is now three miles from the river. The Decennial Settlement brought much land into cultivation: an Indian traveller of 1811 writes;—“Kasimbazar is noted for its silk, hosiery, coras, and inimitable ivory work, but as to the greater part of its surface, it is a wilderness inhabited only by beasts of prey, at twelve or eleven miles from Berhampúr, an almost impervious jungle extends for a considerable space denying entrance to all but tigers.” Bolts, a factor, at Kasimbazar, made nine lakhs by trade between 1760 and 1767. Bruton in 1632 writes of “the city of Kasimbazar where the Europeans have their factories, the country affords great quantities of silk and muslins.” Kasimbazar was a great mart, in former days, for trade. Reynal remarks, “Kasimbazar is grown rich by the ruin of Malda and Rajmahal: it is the general market of Bengal silk, a great quantity of silk and cotton stuffs are manufactured here, they are circulated through part of Asia; of the unwrought silk 3 or 400,000 lbs. weight is consumed in the European manufactories.” The cotton trade

is almost extinct there now, owing to the cheap importations from England, but 500,000 pieces of Kora are manufactured there at present, amounting in value to thirty lakhs. In 1677 Mr. Marshall employed in the factory here was the first European who learned Sanskrit, he made a translation of the Sri Bhagavat into English, which is preserved in the British Museum. A melancholy instance of Sati was witnessed here in 1742 by Howell in the time of Sir F. Russel's chiefship, in the case of the widow of Ram Chand Pandit, a Mahratta; her friends, the merchants and Lady Russel, did all they could to dissuade her: but to show her contempt of pain, she put her finger in the fire and held it there a considerable time, she then with one hand put fire in the palm of the other, sprinkled incense on it and fumigated the Brahmans, and as soon as permission to burn arrived from Hoseyn Shah, Fauzdar of Múrshidabad, she mounted the pyre with a firm step. In 1681 out of 230,000£ sent by the East India Company for investment to Bengal, 140,000£ of it was sent to Kasimbazar, that year Job Charnock was chief there. In 1620 the English had commercial agents at Patna, and in 1658, they had them at Kasimbazar, Hugly and Balasore: 1767, one of the members of Council was appointed to be chief of the trade at Kasimbazar. In 1753 Warren Hastings was a commercial assistant here and devoted much of his time to Persian; in 1757, on the place being taken by Suraj-ud-daula, who encamped with his whole army opposite to it, he was made prisoner and sent to Múrshidabad: the English had a fort then here, which at the time of the battle of Plasi was more regular and tenable than that of Calcutta, it had four bastions; in that year Suraj-ud-daula came before the fort with his whole army, and Mr. Watts recommended that a fortification should be erected at Murshidabad: the Court of Directors in reply stated, that in subordinate settlements they could not bury the Company's capital in stone walls, that their servants were so thoroughly possessed of military ideas, as to forget that their employers were *merchants* and trade their principal object. The Commercial Resident here had a salary of 50,160 Rs.; the filatures and machinery of the East India Company were worth twenty lakhs; in 1768 it was recommended that European troops should not be brought nearer to Calcutta, than Kasimbazar, on account of the climate of Calcutta being so unfavourable to European health.

The FRENCH had a factory at Kasimbazar, as also at Malda: the one at Kasimbazar is now marked only by ruined walls and an old flagstaff, it is called Farasdanga, the native population have deserted it for the more profitable settlement of Khagra

and Gora Bazar. The French *still* own Farasdanga, though they make no use of it; the site is occupied by native distilleries. They had a factory at Saidabad, where Dupleix lived a long time, he was the Louis Philippe of the French interests in Bengal, as his great aim was to raise French power through the influence of French commerce. Dupleix gained twenty lakhs in India and originated the French private trade therein: with all his attention to business he indulged in frivolity, he has been seen in the streets of Chandernagar with a fiddle in his hand and an umbrella over his head, running naked with some other young fellows and playing tricks at every door. SAIDABAD has an Armenian church built about 1757 and in Tieffenthaler's time, a great number of Armenian merchants lived in beautiful houses here and carried on trade.\* From Saidabad Clive wrote the memorable letter to the Council the 6th of May 1766, apprising them of the conspiracy among the officers, and their determination to lay down their commissions since the Company had reduced their batta. From Saidabad embankments extend to Bhameneia ten miles distant, they used to cost annually for repairs over a lakh: 1767 Múrshidabad was near being washed away in consequence of the embankments breaking down. In 1838 a meeting of natives was held at the house of the Hon'ble W. Melville, Governor-General's Agent, to establish an English School, they subscribed 6000 Rs.; the school flourished for a year; English, Bengali, Persian, Arabic, and Sanskrit were taught; but when those Europeans who took an interest in it left the station, it dwindled away.

MURSHIDABAD is of earlier date than the time of Múrshid Kúli-Khan, its reputed founder, but rather embellisher; he made it the capital in 1714 as being a central place. Akbar, writes Tieffenthaler, founded Múrshidabad and sent a body of troops to a place East of it, called Akbarpúr. Every part of Múrshidabad suggests ideas connected with a fallen Musalman dynasty;

\* "The Armenians gradually came from Gujarat and Surat, to Benares and Bahar about one hundred and fifty years ago they formed a settlement at Saidábád in consequence of a Phirmaund from the Mogul. When the Dutch settled at Chinsura in 1625, they were followed by the Armenians." As opulent merchants they exercised great influence over the Moguls. When Holwell landed in 1757 as prisoner at Murshidabád, having his body covered with boils and loaded with fetters, he was received kindly by the Armenian merchants. Tavernier in 1665 met four Armenian merchants, who traded with Butan and *supplied the people there with idols*. Yet in building their Church in 1695 at Chinsura, no Hindus or Musalmans were employed at it, but only Armenians. Akbar had an Armenian servant of whom he entertained a high opinion—Coja Gregory, an Armenian, was the chief man at the court of Mír Kasim, he trained all the Nawab's infantry and cavalry in the English manner and commanded the artillery, in 1772 he presented a petition to the House of Commons, complaining of the treatment he and his nation received from the Company's servants both in person and property; they were *rival* traders

in 1759 it was 5 miles long and  $2\frac{1}{2}$  broad. Since the removal of the revenue courts and capital from it to Calcutta in 1772, Múrsheidabad has been in a state of rapid decline. The reason of the removal was—that appeals were thus made to Calcutta direct, and only one establishment kept up—the records and treasure were insecure in Múrsheidabad, which “a few dakoits might enter and plunder with ease.”—Hastings also assigned a reason that thereby Calcutta would be increased in wealth and inhabitants, which would cause an increase of English manufactures and give the natives a better knowledge of English customs. The palmy days of Múrsheidabad have passed away—the times when the Koran was the only code, when the Nazim decided in all capital cases, and when a court held on Sunday was the only appeal from the provinces;—when the despotic principles of Moslem Governments rendered the courts rather instruments of power than of justice—when all eyes were turned to Múrsheidabad as the centre of Government and source of favour. The splendor of a court has faded away and also the outlay of money connected with it; we find that on the marriage of Suraj-ud-daula, Ali Verdy kept a continued feasting for a month in his palace at Múrsheidabad: all comers were welcome, every family in the city rich and poor partook of his hospitality, by receiving several times tables of dressed victuals called turahs, none of which cost less than 25 Rs. and thousands of them were distributed in Múrsheidabad.

On the golden principle of “the greatest good of the *greatest number* for the greatest length of time,” we think the English rule preferable to the Moslem in Bengal, though we do not attach so much value to the tranquillity, which is the result of English sway, for, as an author remarks, “We have given the Hindus tranquillity—but it is the tranquillity of *stagnation*, agitated by no living spring, ruffled by no salutary breeze.” It cannot be questioned that even an imperfect native government may be much better for a country on the whole than a foreign one, though the latter be theoretically better constituted: we do not however apply this remark to India; the Hindus have by the English Government been delivered from the caprice of such monsters as Suraj-ud-daula, who did not scruple to bury one of his mistresses alive between walls at Múrsheidabad, and was so profligate that no woman’s virtue was safe. Golam Hussain gives a faithful and lively picture of the licentiousness and despotism that prevailed at Múrsheidabad. Múrsheid Kúli used to compel defaulting Zemindars to put on loose trousers, into which were introduced live cats. Suraj-ud-daula murdered persons in open day in the streets of Múrsheidabad.



There are however some bright features in this dark picture, and which it would be well were the English Government to imitate. The Musalman sway in Múrshidabad reminds us that among the results were—wealth was scattered over the country; the courts of the Rajahs formed the centre of influence within their respective domains: the Musalmans made India their *home*, they forgot the country whence they came, and made themselves *part of the people*; though they plundered the people, they did not send away the money to *foreign* lands; their wealth chiefly circulated in India, in which they invited their countrymen to settle and increase the population: the Nawabs mixed with the people and allowed them *access*. The Scir Mutakherim (written 1786) remarked—"of all the English that have carried away princely fortunes from this country, not one of them has ever thought of showing his *gratitude* to it, by sinking a well, digging a pond, planting a public grove, raising a caravanserai or building a bridge." The revenue collected from the people circulated among them: large jagírs were granted to nobles, on which they *settled*; armies of horse were maintained for show; the buildings in Bengal now are not equal to the old ones in magnificence, "the remains of stupendous causeways, ruins of bridges, and of magnificent stairs on the banks of rivers, not replaced by similar undertakings of modern date, suggest melancholy reflections on the decline of the country;" these observations are not so applicable *now* however. Numbers of learned Arabic scholars came from Persia and received endowments and patronage. Forster in his travels remarks on this subject, "the native princes and chiefs of various descriptions, the retainers of numerous dependants, offered constant employment to a vast number of ingenious manufactures, which supplied their masters with gold and silver stuffs curiously flowered, plain muslins, a diversity of beautiful silks and other articles of Asiatic luxury." In 1742 the court was removed from Rajmahal to Múrshidabad by Ali Verdy Khan, in order to watch the English better as also to be enabled to contend to more advantage with the Mahrattas.

The great FAMINE of 1770 caused dreadful havoc at Múrshidabad; in April 1770 desolation spread through the provinces: multitudes fled to Múrshidabad; 7000 people were fed there daily for several months; but the mortality increased so fast that it became necessary to keep a set of persons constantly employed in removing the dead from the streets and roads. At length those persons also died and for a time dogs, jackals and vultures were the only scavengers. The dead were placed on rafts and floated down the river, the bearers died from the

effluvia, whole villages expired, even children in some parts fed on their dead parents, the mother on her child. Government has been blamed by a certain existing Society as the cause of this famine: how could they prevent the effects of the rains of heaven and the overflowing of the rivers which caused a deficiency of crops? It is vividly described by Macaulay, "the whole valley of the Ganges was filled with misery and death. The Hoogly every day rolled thousands of corpse close to the porticos and gardens of their English conquerors;" Múrsheidabad is memorable as the residence of the SEATS, the bankers of the Bengal Government; respecting whom Burke remarked in the House of Commons "that their transactions were as extensive as those of the Bank of England." The emperor of Delhi conferred on one of them the title of Jagat Seat, i. e. the banker of the world; Jagat Seat kept all the revenue of Bengal in his treasury at Múrsheidabad; he was the Rothschild of India, and though plundered of two millions of money by the Mahrattas, when they *luted* Múrsheidabad, the loss seemed scarcely to be felt by him; we find in 1680 the Seats were a great family and employed in supplying piece goods to the English Merchants. Jagat Seat helped Múrsheid Kúli Khan to purchase the continuance of his office as Nawab of Bengal after the death of Arangzeb. Clive proposed Jagat Seat as arbiter of the dispute between him and the Nawab: he was one of the Council of three to the Nawab in Clive's time, and had charge of the receipts and disbursements of the Government. The Seats were great friends to the English, in whose integrity in commercial transactions they had the strictest confidence; there is a tradition that they in common with many other natives were so indignant with Suraj-ud-daula for his cruelties, ripping open pregnant women through curiosity and drowning persons in order to see their dying struggles—that they lent money to the English to enable them to carry on the war with the Nawab, and through their money and influence they contributed very much to the transfer of the supreme power from Suraj-ud-daula to Mir Jaffir. They used to lend Government a crore at a time. In 1717 there was a family of the Seats in Calcutta, who were very instrumental in bringing it into the form of a town: but the transfer of the seat of Government from Múrsheidabad to Calcutta led to their decay; a descendant of Jagat Seat lives at Múrsheidabad, he occupies the residence of his ancestors which is in a dilapidated state; for some time the members of the family subsisted by the sale of the family jewels, but lately Government has granted the representative of the family a pension of 1200 Rs. monthly; all the family

papers were destroyed some time ago by a fire. The Seats were Jains and built several Jain temples in Múrshidabad. Todd states, "more than half the mercantile wealth of India passes through the hands of the Jain laity; the majority of the bankers are the Jains from Lahore to the Ocean."

There are now few ancient edifices in Múrshidabad, though a tax of 8,000 Rs. annually was levied for permitting bricks to be brought from Gaur for buildings in Múrshidabad. These bricks were enamelled, and *the natives of Bengal now cannot make bricks* equal to those that were manufactured at Gaur. The greater part of the nobles have gone to Delhi or have returned to Persia, there is not a nobleman there now who is not connected by blood or marriage with the Nawab Nizam, excepting Mohamed Reza Khan, who is independent and possesses a respectable competency: he is a descendant of the famous Muzafir Jang, who lived in the time of Warren Hastings. There was a mint here, where silver was coined in the name of the Emperor; it yielded a revenue of three lakhs annually, and was erected by Múrshid Kúli Khan in 1704. "The East India Company in 1746 paid Múrshid Kúli 25,000 Rs. for permission to establish a factory at Kasimbazar, for the convenience of having the bullion, which they sent from Europe, coined into rupees at the mint," which reminds us of what Zelim Sing said to Colonel Todd, "the time will come when there will be but one sikka throughout India." On the right bank of the river in former times there were many houses, the Nawab's palace stood there. The Sadak Bag was famous in 1800 for the Nawab's garden and the College of Fakírs near it called Akara Munsaram. The palace of Mír Jaffir stood on the right bank of the river, and had accommodation enough for three European monarchs. That of Suraj-ud-daula was on the left; both were fortified with cannon. There are many Karta Bhojas to the east of Múrshidabad. Forster in 1807 remarks that at the entrance to the town was a large and magnificent gateway and a parapet pierced with embrasures for cannon, it was probably the remains of a fortification erected in 1742 against the Mahrattas, who in Ali Verdy's time plundered the suburbs of Múrshidabad. In 1839 when a meeting was held at Berhampúr in favour of steam communication between England and India, twenty members of the Nawab's family were present, and the first resolution passed was—that every Mahommedan was interested in its success, as shortening the period of going to, and returning from Mecca,—and yet when the first river steamer passed Múrshidabad the natives thought it was a *bhút* or goblin breathing out flames, that was come to devour their children.

(MUTIJIL or the lake of pearl (a favorite name applied to a lake in Kashmír and another in Lahore), is a lovely spot south of Múrshidabad; there are only a few arches now left of the magnificent palace erected here of black marble brought from Gaur; it was built by Suraj-ud-daula at an enormous expense in order "to indulge his vicious pleasures beyond the reach of control;" he quitted this palace in order to fight the battle of Plasí; and from the same place 1766 Clive wrote a letter making over five lakhs bequeathed to him by Mír Jafir, to a fund since called Clive's fund. Hamilton states the Mutijil was "one of the windings of the former channel of the Kasimbazar river:" others however think it was commenced for the purpose of making bricks for the houses, which at one time covered the piece of land surrounded by the Mutijil: some years ago the Nawab was induced at the recommendation of the Hon. W. Melville, the resident, to establish an experimental agricultural garden there. Tieffenthaler writes, "The Governor of Bengal resides at Coleria and one mile from it is a great and magnificent palace, called Mutijil from the clearness of its waters." When the building was nearly ready, Suraj-ud-daula invited Ali Verdy to see it, he locked up Ali Verdy in a room and refused to release him unless the Zemindars there paid a fine from their lands; Ali Verdy was obliged to grant it as also to give Suraj-ud-daula the privilege of erecting a granary, which the inhabitants called Munsurganj or the granary of the victorious, i. e. of Suraj-ud-daula who outwitted his grand father. The piece of land, surrounded by the Mutijil in the form of a horse shoe, was formerly covered with houses. In its neighbourhood Lord Tein-outh once lived, he devoted his days there to civil business and his evenings to solitude, studying Urdú, Persian, Arabic and Bengali, after dinner when reposing, an intelligent native used to entertain him with stories in Urdú: he carried on an extensive intercourse with the natives and superintended a small farm: he writes of it, "here I enjoy cooing doves, whistling black birds and purling streams, I am quite solitary, and, except once a week, see no one of Christian complexion." He amused himself in improving the Nawab's grounds and enjoying the recreation of music during the years 1771, 2, 3. The PUNA was the annual settlement of the revenue of Bengal, when the principal Zemindars and all the chief people of the country assembled at Mutijil in April and May: it was abolished in 1772, because it was found that the amils or contractors rack rented: the Zemindars used to come to the Puna with the state of amrahs, it was viewed as an act of fealty or homage to the Nawab of

Múrshidabad and the annual rent roll of the provinces was then settled; Khelats were distributed each year; in 1767 the Khelat disbursement amounted to 46,750 Rs. for Clive and his Council: 38,800 Rs. for the Nizam: 22,634 Rs. for the people of the treasury: 7,352 Rs. to the Zemindar of Nudiya: to the Raja of Birbhum 1,200 Rs.: of Bishenpúr 734 Rs.: the sum expended on Khelats that year amounted to 216,870 Rs. The practice of distributing these Khelats was of long standing, as they were given to the Zemindars on renewal of their sunnuds and as a confirmation of their appointment; to the officers of the Nizam they were an honorary distinction; the people held the Puna in great esteem, and Clive, regarding it as an ancient institution, raised a special revenue collection to defray the expenses of it; but in 1769 the Court of Directors prohibited the giving presents at the Puna. In 1767 at the Puna the Nawab was seated on the Musnud, Verelst, the Governor-General, was on his right, and recommended in the strongest manner to all the ministers and land-holders, to give all possible encouragement to the clearing and cultivating of lands for the mulberry. It must have been a splendid sight when amid all the pomp of oriental magnificence Khelats were presented to the Rajahs or Nawabs of Dhaka, Dinajpúr, Húgly, Púrnea, Tippera, Silhet, Rangpúr, Birbhúm, Bishenpur, Pachete, Rajmahal, and Bhaglipúr; a form like the Puna is still kept up at each Zemindar's Kacheri. Newish Mahomed, nephew of Ali Verdy, is buried at Mutijil in a mosque built by him; at his funeral there was great lamentation of the people, as he was very charitable, he could not bear to be on bad terms with any one. Ecramed Daula, the brother of Suraj-ud-daula, is also buried here, "on his death the city of Múrshidabad looked like an immense hell filled with people in mourning." The East India Company's Political Residents lived at Mutijil and several of them made large fortunes there; one of them returned to Europe in 1767, having, as is said, during his three years Residency, accumulated property to the amount of nine million of stivers.

(On the right bank of the river opposite Mutijil is the burial place of the Nawabs; here Suraj-ud-daula and Ali Verdy are buried side by side. Forster in 1781 mentions that mullahs were employed here to offer prayers for the dead, and that the widow of Suraj-ud-daula used often to come to the tomb and perform certain ceremonies of mourning in memory of her deceased husband: the expenses of the burial ground are defrayed by Government; the river, two miles south of Mutijil, formerly took the shape of a

horse-shoe, until the neck was cut through at considerable expense. To the North East of Mutijil is the *Kuttera* described by Hodges, a traveller of 1780, as "a grand seminary of Musalman learning, 70 feet square, adorned by a mosque which rises high above all the surrounding building;" near it is the *Topikhaná* where the Nawab's artillery was kept, it formed one of the entrances to Múrshidabad, a cannon was placed between two young trees, they have grown up, and their branches have lifted the cannon from the ground. It has two splendid minarets 70 feet high, Jafir Khan was an humble man, and is buried at the foot of the stairs leading up, so as to be trampled on by people going up: this mosque was constructed after the model of the great mosque at Mecca.\*

At *Kalkapúr*, a long straggling village to the south of Mutijil, are the few remains of what was once the Dutch factory, and the scene of gaiety. In 1757 Vynett was the chief of it, he was very kind to the English when the factory of Kasimbazar was taken by the Musalmans: the burial ground still remains. The river formerly flowed by Kalkapúr, now it is at a considerable distance, it also ran behind Berhampúr, the Dutch had a mint there. A visitor to it 1825 writes, "Kalkapúr is now in a neglected state, the court yard is overrun with jungle, and the barking of the paria dogs were our only greeting on entering a place which for many years was a scene of gaiety in the evening and of incessant application to business during the hours of every returning day." Stavorinus describes the Dutch in 1770 as rising at 5, then breakfast, then business until noon, after which dinner, and the afternoon *siesta* or nap until 4 o'clock, from that to six business again, from six to nine relaxa-

\* In a Persian Mss. is the following short account of this Mosque: "Jafir Khan, sometimes also called Múrshid Kúli Khan, having a presentiment that his death was approaching, commissioned Mirad, the son of Ismaíl, a Furrash, (a servant whose business it is to spread carpets) to erect a tomb, a Musjid, and Kuthrub to be called after him, and directed that it should be completed in six months. This man on receiving the commission, requested that he should not be called to account for any acts that he might think necessary to adopt in the execution of his work. On his request being granted, he immediately called upon the Zemindars to supply him with artisans and labourers to raise the building. He fixed for the site a piece of ground which belonged to the Nawab to the East of the city. For the materials for the work he pulled down all the Hindu temples that he heard of in or near the city, and seized all the boats in the river. The Hindu Zemindars wished to preserve their temples and offered to furnish all the materials at their own cost, but this Mirad refused, and it is said that not a Hindu temple was left standing within four or five days' journey round the city. He also exercised oppression in other ways, and even pressed respectable Hindus while travelling in these suwarees to work at the building. By this means the work was finished in twelve months. It consisted of a Kuthrub, a Musjid, and Mínares, a Hour and Boali and Well—and Jafir Khan endowed it in such a manner as to ensure its being preserved after his death."

tion, when supper was taken and they went to bed at 11. Tavernier, in 1666, visited Kasimbazar and was well received by Van Wachtendonk, Director of the Dutch factories in Bengal; the Nawab then lived at Múrshidabad: the present Nawab's family is of Arab origin. The Dutch had intercourse with Bengal at an early period; Warwick, the founder of the Dutch East India Company, made an alliance with several Rajahs of Bengal in the beginning of the 15th century: they settled in Bengal about 1625. In Tavernier's time the Dutch kept up to 800 natives employed in their factory at Kalkapúr.

Tieffenthaler, 1770, describes Múrshidabad as having an immense number of brick stucco houses, adorned with a great number of gardens and fine buildings, and that the Ganges there had an astonishing number of barks and boats on it. Even as late as 1808 Mr. Ward thus writes of it, "Múrshidabad is full of Moors, very populous, very dusty, except a few large brick houses and a few mosques, the rest of the town consists of small brick houses or huts into which an European creeps; for near two miles the river was lined with trading vessels." Now all is in rapid decay and the chief object to attract the traveller is the New Palace, which is 425 feet long, 200 wide, 80 high; it has a splendid marble floor, the banqueting hall is 290 feet long, with sliding doors encased in mirrors. Colonel Macleod was the architect of it, and the *only European* engaged, the *natives* executed the work. The trade of Múrshidabad was formerly very great; the Pachautra or Custom office books state, that, as late as Ali Verdy's time, 875,000 lbs. worth of raw silk were entered there, exclusive of the European investments, which were not entered there, as being either duty free or paying duty at Húgly. Múrshidabad is now famous for the manufacture of ivory toys and chessmen; in 1838, an English Newspaper was begun there called the *Múrshidabad News*, it met with a good circulation, the Court of Directors subscribed for 10 copies of it, but afterwards it became scurrilous and indulged in personal abuse, the consequence of which was that it became extinct in 1839.

*Múrshidabad* was noted in former times for the profligacy of its court, we dare not pollute these pages with a description of the vile impurities of Serferez Khan. The Seir Mutakherim describes the court of Múrshidabad as a kind of Sodom; the women of the court talked *publicly* of subjects which should never pass the door of the lips. A regard to the feelings of survivors prevents us from referring to the orgies of late

occupants of the Musnud. We trust the present Nawab will set a different example ; the length of his title “ Mantizum Ul Malak Moshen Ud Daula Faridau Jan Syad Munsur Ali Khan Bahadur Narset Jang,” fully rivals Spanish titles. May he imitate the example of a former Nawab, Suja Khan, “ who supported at Múrsheidabad all travellers of intellectual and moral worth, and encouraged merit in every way.” Ali Verdy also is a worthy object of imitation in the attention he paid to developing the resources of Bengal.

The present court has about 50 eunuchs attached to the Nazim and the female relatives living within the Kela or the enclosure ; inside which the authority of the civil officers of Government does not extend ; these eunuchs come from different places in Abyssinia, from Tigra, Dancali, Nubia and the Galla country.

Suraj-ud-daula kept in his seraglio a female guard composed of Tartar, Georgian, and Abyssinian women, armed with sabres and targets. Múrsheidabad is noted on account of the festival of the *Beira* which was introduced by Suraj-ud-daula, who used to have boats large enough to hold 100 men, filled with earth and flowers, and floated down the river with lamps, while the shores were illuminated.—Little could be expected of him, his mother was a notorious adulteress, and himself, when governor of Katak, plundered the rich and shocked all decency, so that a conspiracy was formed against him.

TERETKONA lies on the right side of the river facing Múrsheidabad ; it has an image of Cintua, a goddess worshipped there in the temple of Kriteswari or Durga ; it has declined after the withdrawal of Government patronage ; it is mentioned in the Bhabishyat Purana. *Debpára* opposite to Múrsheidabad had a Mosque and Mausoleum erected by Shuja Adin, in which he was buried, A. D. 1739. He was a man of general philanthropy and unbounded liberality. He made a beautiful garden at Debpára, which he called *Ferreh Bag* (the garden of happiness) to which he retired in the summer with his seraglio in order to indulge in every luxury.

AZIMGANJ is also opposite Múrsheidabād, the city formerly extended on the west bank of the river from this to Suraj-ud-daulah's tomb. Du Perron describes the river as dividing the city into two parts. There are several fine *Jain* temples here : the Jains are a most enterprising mercantile race and many of them here emigrated from Jaudpúr, Marwar, and Hariana ; some have settled as far east as Assam : the north of Múrsheidabad is occupied chiefly by Jain merchants, who speak Hindi ;



the middle is occupied by Musalmans, and the south by Bengalis.

(BHAGWANGOLA is divided into old Bhagwangola and new Bhagwangola, twelve miles distant from each other; the former was the port of Múrshidabad in Ali Verdy's time, and supplied the city with provisions from the districts to the east of the Ganges.) The Ganges anciently flowed to the west of it; now it is five miles west of the river. In 1760 Clive sailed down the Ganges to Bhagwangola and then crossed to Múrshidabad. Oats, gram, and rice are brought to it from Rangpúr, Dinajpúr, &c. &c. Surup Dút, the ghat mangi here, was for many years the leader of the thugs of Dhaka, Furidpúr, &c. &c. he used to embark travellers in the boats of his comrades and then have them murdered. In former times the neighbourhood of Bhagwangola must have been exceedingly populous, as there are evident remains of a very extensive town or a series of large villages, now overgrown with forests, and dotted with numerous tanks and other signs of population. Several English officers were buried here, but their tombs have been swept away by the river.

JANGIPUR or Jehangipúr, because founded by Jehangir the Emperor, was long a seat of the silk manufacture of the East India Company: the Company's factory was sold to a Mr. Larulletto in 1835 for 51,000 Rs. the silk filatures were erected, in 1773. The first attempt of the East India Company was at Budge Budge, which did not succeed. Grant in his Essay on India adduces the silk manufacture as an instance that the Hindus are not *unchangeable*; the East India Company introduced the Italian mode of winding silk, and the natives have altogether dropt *their own* method: in 1757 the East India Company sent out to Bengal, a Mr. Wilder, well acquainted with the silk manufacture, to examine into the different qualities of the Bengal silk; he resided at Kasimbazar, then the Company's chief silk manufactory, where he died in 1761: in 1765 Mr. Ponchow was appointed to Kasimbazar to carry on the improvements begun by Mr. Wilder: Italians were sent out first. Lord Valentia, in 1802, describes Jangipúr as the greatest silk station of the East India Company and employing 3,000 persons. The west bank of the river is best for the mulberry cultivation, as it requires a black soil. The East India Company's filatures did not extend beyond 26° N. Lat., as in a more northerly direction the soil and air become too dry for the mulberry and silk worms. Napoleon's Berlin Decrees, prohibiting the exportation of silk from Italy to England, gave a great stimulus to the cul-

tivation of the Silk Trade in Bengal : a meeting was immediately held in London and a request was made to the East India Company to supply England with silk direct from India. Mr. Williams was resident here and died in 1822, he was a great friend to education. Jangipúr was formerly famous for "its pretty English garden;" in 1808 the river near it was dried up so that gharis crossed it, owing to a *chur* at the mouth of the Bhagirathi, which caused the Ganges to flow into the Jellinghi, the lowest depth of water here in the dry season is about two feet: in the Jellinghi, in 1832, a *thousand* boats were waiting at the mouth to be lightened before they could proceed on account of the shallowness of the water—and yet Government levy a tax of 150,000 Rs. per annum on boats passing up this river in order to keep it clear, the same sum on the Matabanga and Jellinghi, while little trouble is taken by Government officers to keep the river clear. Allowing 3 Rs. as the average toll for each boat, this shews that on an average above 50,000 boats pass Jangipúr annually.

SÚTI is memorable for the battle of Gheria fought near it, 1740, in which Ali Verdy defeated Serferez Khan at the head of 30,000 cavalry and infantry and a numerous train of artillery; and for a battle in 1763, which lasted 4 hours, and in which Mír Kasim was defeated, though at the head of 12 battalions of sipahis, 15,000 horse and 12 cannon; had the English lost this battle they would have been driven out of Bengal, as Mír Kasim's troops were drilled according to European discipline. Three *thags* were arrested here in 1836 by Capt. Louis, two were father and son, one man confessed, that in one expedition he and his gang had committed fifty murders between Múrshidabad and Bar. Near SÚTI an excavation has been made to join the Ganges and Bhagirathi; when first made it was only a few yards wide, but the stream was no sooner admitted than it quickly expanded to as many hundred yards: in the year after its completion not a trace of its existence remained, the middle of one of the principal streams of the Ganges is now pointed out as the spot where the excavation was made; between SÚTI and Kalgang forty square miles of land have been washed away by the river in a few years. Suraj-ud-daula alarmed at the capture of Chandernagar and afraid that the English would bring their ships up the Padma and into the Bhagirathi, sunk vessels near SÚTI to prevent it. In 1839 it was proposed to Government to form a new zillah, of which SÚTI was to be the capital, six *thannahs* from Múrshidabad and eight from Bhagalpúr were to form it. Tavernier, the

celebrated traveller, who visited Kasimbazar in 1665, mentions that there was a sand bank before Sûti, which rendered it impassable in January, so that Bernier was obliged to travel by land from Rajmahal to Hûgly. In Du Perron's time Sûti was famous for the tomb of a Fakîr, Morte Zeddin.

The extent to which this article has reached forbids us to take notice now of *Gaur* with all its interesting associations connected with the history of 2000 years. The banks of the Bhagirathi in 1846 present widely different scenes from what they did in 1746. Since that period the crescent has waned and Moslem pride has been laid low—the Sati fires have been extinguished and Ganga's stream is no longer polluted with infanticide—the fame of Nudiya and its Sanskrit Colleges is passing away and yielding the palm to the superior influence of western science and literature—there are no longer Kazis to sentence men to death for abusing fakîrs, or governors like Mûrshid Kûli Khan to send Korans of their own writing with valuable offerings to Mecca and Medîna—travellers now pass the banks of the Bhagirathi by night and defenceless women may travel from Calcutta to Delhi without fear of molestation. The future opens out a bright scene on the banks of the Bhagirathi,—when Brahmanism will be in Bengal, as Buddhism is now, “a thing of the past,”—when Gospel light and its handmaid the English language and literature shall be diffused far and wide,—when Municipal Institutions, Colleges, Agricultural Societies, Zillah and Town Libraries shall have dispersed the torpor of Mofussil life,—when railroads intersecting the country shall have helped to scatter to the winds all local prejudices—and when the banks of the Bhagirathi, like the banks of the Rhine or the Thames, shall be ornamented with villas, country seats, and all the indications of a highly civilized state of society,—when the upper classes of English Society in Calcutta—instead of being crowded together in their aristocratic mansions in Chowringi, the hot bed of Anglican prejudice and the focus of all those who cherish their irrational exclusiveness towards the natives of this land—shall enjoy the quiet and retirement of their dwellings along the course of the sacred stream, living thirty or fifty miles from Calcutta, but coming daily to it to do business through the wonderful facilities of travelling which will then be afforded.

---

- ART. IV.—1.** *Report of the Committee on Prison Discipline, to the Governor General of India in Council, dated the 8th January 1838; to which is prefixed a Resolution recorded by the Government of India, on the 8th of October 1838, after taking the Report into consideration. Calcutta, 1838.*
2. *Appendix to the above. Calcutta, 1838.*
3. *On the Penitentiary System in the United States and its application in France. By G. de Beaumont and A. de Tocqueville, with an introduction and Notes and Additions, by Francis Lieber. Philadelphia, 1833.*
4. *Third Report of the Inspectors of Prisons for the Home District. London, 1838.*
5. *Report on the Construction, Ventilation, and Details of Pentonville Prison. London, 1844.*
6. *First, Second, and Third Reports of the Commissioners for the Government of the Pentonville Prison. London, 1843, 1844, 1845.*

THE subject of Prison Discipline is one, which, at the present day, has attracted much interest not only in England but in all the civilized countries of Europe and America; and we feel a pride, we confess, in the thought that to our native land is due the credit of having first aroused the attention of the world to this great and interesting theme.

We have most of us had the advantage of studying the general principles which are involved in all improvements in Prison Discipline, as laid down by Howard, Bentham, Livingstone, de Tocqueville, and others, and (the great object now is, to obtain a mass of statistical facts relating to the subject. There is probably no civilized country on the face of the globe, however, in which it is more difficult to obtain such facts than India: it may be truly said, that here we have hardly any Statistical knowledge upon any subject whatsoever, and the reason is, that there is no person whose exclusive business it is to procure such knowledge. In other countries there is a department, with energetic and able officers presiding over it, whose sole duty is to collect Statistics and facts of all kinds upon which improvements are based. In England there is a separate Statistical department connected with the Board of Trade, to collect and arrange all the documents of an interesting nature which can be obtained through any department of Government. It has been most truly said that “the civilization of a country may almost be measured by the completeness of its statistics. However rude the Government of a country may be, it cannot

‘ attempt to make laws, without having acquired the means of forming a judgment, however imperfect, as to the matters brought under its consideration, and in this sense statistics may be said to be coeval with legislation.” Here, there is no attempt to procure statistical knowledge; we have nothing to go upon; we are compelled, generally, to grope in the dark. The Government officers who have it in their power to give the information we require, have other important and essential duties to which they are obliged to attend—and they are unable, consequently, to devote the time and labor which would be necessary for the object in view. For instance, although ancient usage and obvious utility might direct us to “go forth and number the people” (an injunction which is followed in all civilized countries but India,) we have no idea what the true population of this country is—we are told that it amounts to so many millions of souls; but all this is mere guess work; it is not founded upon any accurate returns. Again, we know not the number of Births or Deaths in any part of the country—we know not the healthy or unhealthy districts of India—we have a sort of vague notion, which has been transmitted to us from our fathers, that the Sunderbunds are pestilential, and that Behar is a preferable climate to Bengal, we are told that Chowringhi Road, as forming the “lungs of Calcutta,” is a more healthy locality than Ballygunge or Garden Reach—and so on; but on all these points which might be ascertained with unerring precision there are generally two opinions. It was only the other day that Mr. Simms and Captains Boileau and Western, in reporting to the Home Government upon the practicability of establishing railroads in this country, said, that “from an entire want of statistical information,” they were unable to give any opinion upon several, and some of them the most important points, to which their attention had been called. It is really due to the interests of the country that the Government should alter this state of things; we trust that the Railway Committee’s Report may have the effect of attracting the attention of those who have it in their power to apply a remedy. The Prison Discipline Committee which was appointed by Lord Auckland in 1838, certainly managed to collect a considerable mass of information upon the subject to which their attention was directed, and which it is our purpose, in the following article, to examine; but then, it must be remembered, that they were nominated for this special purpose.\*

\* It is a curious coincidence that since this article has been in type, the Local Newspapers have published a Despatch from the Court of Directors to the Government of India, bearing date some time in June last upon this very point. The

It is only within the last half century that the economy of prisons and the welfare of their inmates, have in any way attracted the attention of thinking men.) Year by year persons have been consigned to these abodes, not for the purpose of reformation or of real punishment; but in order to be educated in vice, and strengthened in iniquity. Indeed, as late as 1821, Sydney Smith, writing on the subject in the *Edinburgh Review*, says, that in every county in England there are "large public schools for the encouragement of profligacy and vice, and for providing a proper succession of house breakers, profligates, and thieves." We can all recal to recollection the scenes of depravity and profligacy which are related in the adventures of Jonathan Wild, Jack Shepherd and other worthies of the same class; and which, though probably highly colored and in a measure exaggerated to suit the taste of general readers, have still a ground-work of truth running through the whole of them. The author of "Jonathan Wild" was himself a magistrate at the time when the office was frequently the source of an iniquitous traffic in justice, and we believe, notwithstanding Horace Walpole's disparaging account of him, that Fielding was an excellent Justice, and contrasted favorably with the generality of persons of the same grade, of which class, we fear, Justice Thrasher in "Amelia" was too frequently a type. In his work entitled "causes of the increase of Robbers, &c. with proposals for remedying the existing evil," Fielding says, that the punishment provided by Parliament for Robbers, &c. is "commitment to Bridewell either for more or less time;" and he adds, in his caustic and racy style, "a very severe punishment this is, if being confirmed in habits of idleness, and in every other vicious habit, may be esteemed so."

"The crection of these houses," he continues, "as is usual with new institutions, did at first greatly answer the good purposes for which they were designed, insomuch that my

Home Government write thus:—"The great practical importance of Statistical enquiries, and the attention which they now receive from the most enlightened European Governments, have induced us to take measures for investigating the Statistics of the countries under our administration, and for arranging and preserving in a form convenient for reference, the information which may be attainable."

"2.—With a view of accomplishing these ends, we have formed a Statistical Department in our Home establishment, in which the requisite enquiries will be conducted, and the materials thereby obtained classified and compared."

What will be done upon this? will the Government of India appoint persons to collect Statistical information in this country, or will they leave things as they are, and quietly *shelve* the Despatch in question? We sincerely hope that this will not be its fate; we fondly trust that it will not be left to moulder in some Secretary's office—a prey to white ants and cockroaches.

‘ Lord Coke observes ‘ that upon the making of the statute  
 ‘ 39 Eliz: for the erection of houses of correction, and a  
 ‘ good space after, whilst Justices of Peace and other officers  
 ‘ were diligent and industrious, there was not a rogue to be  
 ‘ seen in any part of England,’ and again he prophesies that  
 “ from the erection of these houses we shall have neither  
 ‘ beggar nor idle person in the Commonwealth.’ But this  
 ‘ great man was a much better lawyer than he was a prophet,  
 ‘ for whatever these houses were designed to be, or whatever  
 ‘ they were at first, the fact is, that they are at present,  
 ‘ in general, no other than schools of vice, seminaries of idle-  
 ‘ ness and common sewers of nastiness and disease. What  
 ‘ good consequence there can arise from sending idle and dis-  
 ‘ orderly persons to a place where they are neither to be  
 ‘ corrected nor employed; and where, with the conversation of  
 ‘ many as bad, and sometimes worse than themselves, they are  
 ‘ sure to be improved in the knowledge, and confirmed in the  
 ‘ practice of iniquity? can it be conceived that such persons  
 ‘ will not come out of these houses much more idle and  
 ‘ disorderly than they went in? where then is the remedy?  
 ‘ To reform the present conduct of the several Bridewells?  
 ‘ This would, I believe, be as difficult a work as the cleansing  
 ‘ the Augean Stable of old.”

Not many years after this was penned, the Hercules arose who was destined to cleanse Fielding’s “ Augean Stable;” or at least, to lead the way in the good work. John Howard was the name of the remarkable man, who has raised for himself “ monumentum ære perennius” by stepping forth to assist the miserable and degraded convict, and who thought that his life and fortune were not too much to sacrifice for such an object. He was a man in every way suited to the work; one whom no toil could subdue, no personal sacrifice daunt, no danger scare, from what he considered his sacred mission. Of low origin, the son of a London Tradesman, he found himself on the death of his Father the owner of a tolerably handsome competence. In 1756, about the time that Justice Fielding wrote the work from which we have quoted, Howard was a passenger on board a packet ship bound for Lisbon, when he was taken a prisoner by a Privateer, and conveyed to France; the miseries which he suffered, awakened, it is said, his sympathies, and made him determine to devote his fortune and his life to the endeavour to render prisons less pernicious to health and morality. From this time till 1773, when he was nominated to the office of Sheriff of Bedfordshire, and when the subject was, consequently, brought more immediately under his notice,

he never lost sight of the one object to which he had devoted himself; after travelling about to different neighbouring gaols he placed a mass of information before the House of Commons, which induced that body to pass two Acts for bettering the condition of Prisoners, and for doing away with certain fees, without the payment of which, no innocent person, who had been tried and acquitted, could obtain his release. From this time till his death in 1790, he devoted himself, heart and soul, to the one object of ameliorating the condition of those of his fellow-subjects whose wretched lot had heretofore failed to attract the attention of those whose duty it was to care for them; and in fact, he lost his life whilst engaged in one of his philanthropic Tours in the Crimea. He published his Travels in 1770, in two volumes, which contain an immense mass of information and suggestions of improvements of various kinds. Of this work his biographer Aiken says "as soon as it appeared the world was astonished at the mass of valuable materials accumulated by a private unaided individual, through a course of prodigious labor, and at the constant hazard of life in consequence of the infectious diseases prevalent in the scenes of his inquiries. The cool good sense and moderation of his narrative, contrasted with that enthusiastic ardour which must have impelled him to his undertaking, were not less admired, and he was immediately regarded as one of the extraordinary characters of the age, and as the leader in all plans of meliorating the condition of that wretched part of the community for whom he interested himself." It has been objected, however, and we think with cause, that though containing a rich fund of materials, his works show no leading principles; no order; no connection. Bentham, who is of this opinion, says, that Howard was much better employed however, than in arranging words and sentences. "Instead of doing what so many could do if they would, what he did for the service of mankind, was what scarce any man could have done, and no man would do but himself. In the scale of moral desert, the labors of the legislator and the writer are as far below his, as earth is below heaven. His was the truly Christian choice—the lot, in which is to be found the least of that which selfish nature covets, and the most of what it shrinks from. His kingdom was of a better world: he died a martyr, after living an apostle." Burke's splendid eulogium on the character and achievements of Howard, has been so often quoted that it must be familiar to the minds of all our readers.

Such was the character of the man who first effectually turned the attention of the world to improvements in prison discipline;



who first laid bare in all its hideousness the existing state of the gaols in England and other lands. We do not propose to enter upon the subject of Howard's works or to notice any further the abuses which then prevailed ; their day is gone by, and many of them no longer exist ; besides, the subject of our present notice is connected with Prison Discipline in India, before entering upon which, however, we propose to examine, cursorily, what steps have been taken in other countries to reform the condition of prisoners and convicts.

We have claimed for old England, in the person of John Howard, the credit of having taken the first step in the march of reform ; but though an Englishman was the first to awaken general attention to the subject, and to set on foot certain inquiries which resulted in improvements and alterations in the existing practice, English America was, we are inclined to think, the first to put in practice the *extensive* reforms which have taken place within the last half century ; and the other states of Europe, which have paid any attention to the subject, have followed in the precepts laid down by her, and been guided by the experience gained from her experiments. Monsr. Duchatel, who was in 1842 the French minister of the interior, has in a work recently published entitled "Instruction et Programme pour la construction des ' maisons d'Arret et de justice," questioned the right of America to the distinction of having been the first to put in practice the improved system of discipline ; he says that the first house of correction which was ever built, was constructed in 1703, by Pope Clement XI. at Rome, and that "si l'on entre dans ' l'examen détaillé du système et même de la disposition ' architectural de cette prison, on reconnaîtra que les ' Américains ne sont que les imitateurs des Italiens ; non seulement sous le point de vue du régime disciplinaire, mais ' aussi sous celui de la construction."

The credit however is generally, and we believe correctly, given to the Americans. It is supposed that that which induced the inhabitants of the West to turn their minds and attention to the subject at first, was, the abhorrence which the early Colonists, principally Quakers, entertained to the shedding of man's blood. It has been said that the Gallows and the Prison are signs of civilization and the march of improvement ; the remark is, in a measure, correct, as showing the steps which civilization takes to protect herself against those who violate the bonds which hold society together ; but a still further step in advance is the discarding of the Gallows ; and it was this reflection which made the descendants of William Penn petition the legislature of their country in the year 1786, to abolish

the punishment of death, except in one or two cases, and to substitute for it, Solitary Confinement. This was a great and bold step for an infant colony ; at a time too, when the laws of the mother country, according to Sir Wm. Blackstone, attached the punishment of death to one hundred and sixty offences ; and far be it from us to attempt to rob the Pilgrim Fathers of the credit which is undoubtedly due to them, for this successful and most merciful innovation. Prisoners had heretofore been looked upon as little better than animals, whom nothing but brute force could restrain, or keep in order. It was considered Utopian to imagine that such persons were susceptible of reform, or of redemption of any sort ; and the American experiment to treat them as beings subject to the same principles of action as their fellow creatures, though with vitiated tastes and uneducated minds, was generally looked upon as chimerical. The punishment, however, which was substituted at the same time, for other offences than those which had previously been punished by death, was unfortunate ; it was precisely that which may be said to be universal in India ; namely, hard labor in public. This was found to be most injurious and detrimental not only to the prisoners themselves, but to the inhabitants of the Towns in general, who were witnesses to this public and degrading punishment ; crime increased in consequence instead of decreasing.

In 1797, the state of New York followed the example of Pennsylvania, by sanctioning a reform of the Penal Laws ; but the system introduced was found expensive, and at the same time inefficient, nor did it attempt any reform of the criminals ; the consequence was, the frequent recommittals of persons. The Auburn prison was built in 1816, but it was found that the principle which was adopted in it of building small cells to contain *two* persons each, was the most unfortunate which could have been chosen ; as Mons. De Tocqueville says, "it would have been better to throw together fifty criminals, than to separate them two by two." In 1817, the Penitentiary at Pittsburg, and in 1817, that of Cherry Hill in the city of Philadelphia, were built ; and in these the system was adopted of absolute solitary confinement ; the miserable criminal was not to be permitted to leave his prison, day or night ; and all and every kind of occupation or labor was denied him.

This experiment was made upon only eighty prisoners ; its results were fearfully fatal ; and, without doubt, gave rise to the opinion which is prevalent even amongst the better informed at the present day, that the American Penitentiary

System, taken as a whole, is a cruel and barbarous one ; which should be shunned instead of imitated ; which should be a beacon and warning, instead of a loadstar. But there are, in fact, two American systems, if we may call them so, existing at the present day ; and it was neither of these, but a third and totally different one, which no longer exists, that gave rise to the feeling of distrust and horror to which we have alluded. It was neither the " Separate," nor the " Silent," but the " Solitary " system, which gave such fatal results ; and persons who ought to have known better, have not been able to distinguish the one from the other. Dickens in his American notes falls into this error. He says, " very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers ; there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature." And yet, without observing the inconsistency of which he is guilty, Dickens immediately himself " fathoms" the " terrible endurance" of the prisoners, by shewing how one was amusing himself by painting the walls of his cell ; another by making a clock ; a third by writing poetry ; a fourth by gardening, &c. &c. There is much mistaken humanity in all this : the Separate plan of Imprisonment, as it is practised at Pentonville near London in the Model Goal which has lately been erected there, and the progress of which we propose presently to notice, is a most humane system ; open to no objections on the score of cruelty, but, if any thing, rather the contrary ; and the same remark holds good regarding the Silent System ; save that, it being necessary, not unfrequently to have resort to corporal punishment, it is more open to objection, and more exception may be taken to it on this account, than to the other. The lot of the wretched man however who was sentenced to absolute and unintermitting solitude without labor, was far different. A hopeless outcast, with nothing to think of but his crimes, nothing to brood over but his former evil deeds, he too frequently sunk under the infliction ; or became a miserable drivelling idiot, unrecognizable by his nearest relatives.

De Tocqueville says, " absolute solitude, if nothing interrupts it, is beyond the strength of man ; it destroys the criminal without intermission and without pity ; it does not reform, it kills."

Not only was this system fatal to the health of the miserable creatures upon whom it was tried, but it was also, strange to

say, inefficient in producing the reform of those who were liberated. It appears that the Governor of the State of New York, having exercised the prerogative with which he was vested, pardoned twenty-six of those upon whom the experiment was tried, and permitted the rest to leave their cells during the day, and work in the common workshops of the prison; and that out of these twenty-six, fourteen returned in a short time to the prison convicted of other offences! This result will not however appear surprising to those who remember, that the punishment of absolute solitary confinement was much opposed to public opinion, even at that time. It is a principle of Penal Legislation, that all punishments which are opposed to public opinion, are inefficacious and consequently improper: we should be particularly careful therefore in all Prison Improvements not to adopt any measure which is calculated to shock the feelings, or excite the pity and disgust, of the public. It was this same feeling which prevailed in England with reference to offences punishable, by the former sanguinary code of Britain, with death. Sheep and Horse stealing were more frequent formerly than at the present day, when the penal code has been mitigated: the same principle is commonly alleged to extend to the trials of Duellists, as no Jury, it is supposed, will convict the man who fights a duel because they know that the same punishment can, legally, be inflicted upon him, as upon the ordinary murderer.\* A sheep stealer knew he had many more chances of escape fifty years ago, than now; he argued that the Jury, thinking the punishment too severe, would not convict; the witnesses would perjure themselves rather than be instrumental in causing the death of a fellow creature for merely stealing a sheep; and this same reason doubtless weighed with the twenty-six inmates of the New York Gaol who were pardoned; they said, the Jury, knowing what a dreadful punishment we shall have to endure, will probably acquit us; and they hesitated not to commit a second offence. We forget who relates the story of the Lawyer, who, on entering the Old Bailey with his friend, said, "Do you see that Juryman in the Canary colored waistcoat?" "Yes," "Well, there will be no conviction of death to-day:" and the fact was as predicted.

Notwithstanding the failure of the totally Solitary system, the

\* It may, however, be allowed that Juries would often convict if there were evidence. When there is no evidence, as when all present are parties, they cannot convict. When crown officers are in earnest to convict, there will no doubt be convictions; for sometimes sufficient evidence may be had. And there is no friend of humanity, but must rejoice in the success of any measure which would put an end to a practice so highly criminal as Duelling.

Americans did not give up the principle with which they had started, that the solitude which obliges the prisoner to reflect upon his condition, instead of enabling him to compare notes of iniquity with his compeers in crime, must exercise a beneficial influence : and the only problem remaining was, to strike out some plan, by which the bad effects of total solitude might be avoided, and, at the same time, its manifest benefits taken advantage of. It was then determined to leave the prisoners to their solitude and reflections during the night, and to allow them to work all together in the workshops of the Gaol during the day, but in absolute silence ; that silence being enforced rigorously by the application, when necessary, of the whip.

Such is the system of the famous Auburn Prison, and although the credit of having first suggested it, is claimed by several different persons, we believe we are only stating what is the fact, when we say, that the author was a Captain in the Army of the United States of the name of Elam Lynds. As there were only 550 cells in the Auburn Prison, the Legislature in 1825 sanctioned the erection of a new Prison. Mr. Lynds was then the Superintendent of Auburn, and he undertook to build the new prison with the assistance of the prisoners themselves. He took a hundred of these men to the spot, encamped them there without a place to receive them, and without walls to lock them up, "having no other means," says De Tocqueville, "to keep them in obedience, than the firmness of his character and the energy of his will. During several years, the convicts, whose numbers were gradually increased, were at work in building their own prison, and at present the Penitentiary at Sing-Sing contains one Thousand Cells, all of which have been built by their criminal inmates." This appears almost incredible, but we believe, there can be no question as to its truth. An anecdote is related of this Captain Lynds, which we cannot resist the temptation of inserting ; it is related by M. de Tocqueville, thus : "an individual, imprisoned in that Penitentiary, had said that he would kill Mr. Lynds, the Superintendent of Sing-Sing, upon the first opportunity. The latter, informed of the prisoner's resolution, sends for him, makes him come into his bed room, and, without appearing to perceive his agitation, makes him *shave him* ! He then dismisses him with these words ; I knew you intended to kill me ; but I despise you too much to believe that you would ever be bold enough to execute your design. Single and unarmed, I am always stronger than you are." This anecdote is related to show that Mr. Lynds practises what he preaches ; for when asked what was, in his opinion, the most desirable quality in a

person destined to be a director of Prisons, he said, "He must be thoroughly convinced, as I have always been, that a dishonest man is ever a coward. This conviction, which the prisoners will soon perceive, gives him an irresistible ascendancy, and will make a number of things very easy, which, at first glance, may appear hazardous."

In April 1829, the state of Pennsylvania, adopted, in the Prison at Cherry Hill, a combination as it were of the Pittsburg and Auburn systems; the solitude, day and night, of the Pittsburg Prison was retained, and into the solitary cell the labour of Auburn was introduced. "This revolution in the Prison Discipline of Pennsylvania was immediately followed by a general reform of the Criminal laws: all punishments were made milder, as the severity of solitary imprisonment permitted an abridgement of its duration: capital punishment was abolished in all cases except that of premeditated murder."—*De Tocqueville*.

In France, prisoners before trial are kept quite distinct from those who have been convicted. Prisoners sentenced to hard labor are sent to the *Bagnes*, the same as our Hulks: those sentenced to imprisonment for more than one year, are confined in the *Maisons Centrales*; and those, whose term is less than a year, in the *Maisons Départementales*. There is hardly any attempt, we believe, at classification; and the Pictures drawn by Vidocq, and admitted to be correct by Mons. de Tocqueville, of the vice and general corruption in these institutions, is perfectly appalling. In the *Maisons Départementales* it is worst of all. Mons. Leon Faueter, in his Description de Fort du Hal, which is quoted by Mr. Christopher, Inspector General of Prisons on the Seine, says, there is "point de distinction de crime, ni de peine, de sexe ni d'age; tout cela vit ensemble comme une famille accablée au vice."

The subject has however attracted much attention in France, and a model Prison on the separate system has been built at Versailles. M. M. de Beaumont and de Tocqueville were deputed by the French Government to visit and report upon the American Gaols; and their report in 1831, a most able document, is now before us. M. M. De Metz and De Blouet were sent upon a similar mission in 1836, and a Law was passed in 1844 for the introduction of the Separate system into France. It would appear to be the general opinion in France that the Philadelphia system is too severe.

In Hungary the separate system has been introduced into a few places, and it is supposed that before long, it will be very generally adopted throughout the country. In Prussia, four prisons upon the Separate plan are in course

of erection by Dr. Julius, who was sent over to America, in 1834, to report upon the working of the system there. In Geneva and Lausanne, the silent system has, for years, been at work; and it is said that silence is preserved amongst the prisoners without much use of the whip. In Holland, Belgium, Hamburg, Sweden, Norway, Denmark, the system has its advocates; and enquiries, previous to the introduction of the system, have been commenced in all these countries.

So long ago as the year 1790, the Separate system was tried in England, in the Gloucester Jail; for many years it was continued, and worked admirably, the number of commitments being very few; but after nearly 20 years, the increased population rendering further prison accommodation necessary, it was abandoned in order to make room for more prisoners. In 1811, a Committee of the House of Commons recommended a trial of Bentham's Panopticon; and in 1813, the Penitentiary at Milbank was commenced; it was not finished till 1821, when it was filled with 1200 convicts; but Separate confinement was not carried out in it for some years. In his evidence before the House of Commons in 1811, Bentham stated, that it was his intention to confine at least six prisoners in each cell; "but," he added, "that would not preclude me from putting seven in one, or eight in another—for aught I know, some work might be carried on during the night as in manufactures. I reserve to myself full liberty to take all those advantages." The trial was unfortunate, the mortality being very great; but there is no doubt that this was caused, more by the unhealthiness of the spot chosen, than by the system itself;—the disappointments and heart-burnings to which the great and humane philosopher Bentham was subjected on this occasion, are matters of history, and are probably known to all our readers. There is a model Penitentiary upon the Separate system at full work at Pentonville near London; and there are many others, some at work, others only projected, in different parts of England: at Shrewsbury, Bath, Leeds, Hereford, Clarksenwell, Buxton and other places. The great prison of Newgate,\* and some others in the Metropolis and elsewhere, are still, as they always were, schools of vice, and a disgrace to our country.

In Scotland there is a prison on the Separate system, at

\* It is, however, but justice to the late Mrs. Fry and Lady Pirie (lady of Alderman Sir John Pirie, Bart.) to say that their private unobtrusive labours, assiduously persevered in for years, did tend greatly to ameliorate the general internal system of Newgate, and did, in point of fact, succeed in reforming many of its unhappy inmates.

Glasgow, which is most excellently managed. This Bridewell is divided into two portions, the last of which is fitted up with 160 cells in which the system of Separate confinement is strictly carried out. The Governor of the place mentions, in an account which we have seen, that he has no difficulty in procuring situations for prisoners on their leaving the prison, when he is able to express a favorable opinion of their conduct and habits. In Ireland we believe there are no prisons on the modern plan, though the management of the Irish prisons, in other ways, has been much improved within the last ten or fifteen years.

We have said that at Pentonville near London, the Separate system is now under trial; the very interesting reports named at the commencement of our article give the results of the experiment up to the end of the year 1844, but has not yet been finally pronounced upon; indeed, in his address to the electors of the city of London on taking office, only the other day, Lord John Russell mentions, amongst other useful reforms which will require his attention, that the "treatment of criminals is a problem yet undecided." The Pentonville prison was opened in 1842; it is considered a *model* of the Separate system of imprisonment. In it are confined male convicts of not less than eighteen, or more than thirty-five, years of age; the prisoners are confined in separate cells, thirteen feet by seven, and nine feet in height, for a period of eighteen months; after which they are transported to New South Wales, and have there to undergo whatever period remains of their sentence. Sir James Graham, in his letter to the Commissioners of the Prison, dated the 16th of December 1842, and published in the Report of Major Jebb, the Surveyor General of Prisons, says, that only those who have committed an offence for the first time, and who have been sentenced to be transported, will be sent to the model prison. No person is to be admitted into Pentonville without their knowledge, Sir James declares, "that it 'is the portal to the penal colony, and without the certainty that he bids adieu to his connections in England, and that he must look forward to a life of labour in another hemisphere.'" At the same time, it is distinctly and clearly explained to the prisoner, that his fate hereafter, that is, the terms upon which he will have to pass his future existence, depend very greatly upon himself. He must be made to feel, that, from the day he enters the model prison at Pentonville, he enters upon a new career. "He should be told that 'his imprisonment is a period of probation; that it will 'not be prolonged above eighteen months; that an opportunity



‘ of learning those arts which will enable him to earn his bread  
 ‘ will be afforded, under the best instructors; that moral and  
 ‘ religious knowledge will be imparted to him as a guide for  
 ‘ his future life; that at the end of eighteen months, when a  
 ‘ just estimate can be formed of the effect produced by the  
 ‘ discipline on his character, he will be sent to Van Dieman’s  
 ‘ Land; there, if he behave well, at once to receive a ticket of  
 ‘ leave, which is equivalent to freedom, with the certainty of  
 ‘ abundant maintenance, the fruit of industry; if he behave  
 ‘ indifferently, he will be transported to Van Dieman’s Land,  
 ‘ there to receive a probationary pass, which will secure to him  
 ‘ only a limited portion of his own earnings; and which will  
 ‘ impose certain galling restraints on his personal liberty; if  
 ‘ he behave ill, and if the discipline of the prison be ineffectual,  
 ‘ he will be transported to Tasman’s Peninsula, there to work  
 ‘ in a probationary gang, without wages, deprived of liberty,  
 ‘ an abject convict.”—*Report of the Surveyor General of Prisons*,  
 p. 50.

The system pursued at Pentonville is the most complete that can be imagined; those of our readers who are interested in the subject, should lose no time in possessing themselves of the Reports of the Commissioners, as well as of the separate work published by Major Jebb, of the Royal Engineers, and called “Notes on the Construction and Ventilation of prisons;” the plans and designs in this work are most beautifully executed, and show, in the clearest and simplest manner, the whole mechanism of the model prison; giving, not only the Ground plans and Elevations of the Buildings, but, descending to the most minute and trifling particulars, all of which however, it is of importance to be acquainted with—even the sections, profiles, and plans, of the locks and handles of the doors and the sashes of the windows, &c. &c. The area occupied by the prison is 6 acres and 10 perches—and there is a garden of two acres in the rear, and a terrace and road seventy-five feet broad in front. The total cost of the prison, from the commencement to the period of occupation, is given at Eighty-four thousand One hundred and Sixty-eight Pounds; which, considering that it contains 520 cells, allows £161 for each cell. It is said, however, that, in consequence of the inequality of the levels on the surface of the site and other causes, this is more than the cost of a Prison under ordinary circumstances would be. From the Second Report of the Commissioners we learn, that in 1844, the earnings of the prisoners was £1062-13-11 over and above the cost of materials; this was during the first year of trial. Each prisoner is taught his trade in his separate cell, and he

generally is allowed to choose it himself; it is a curious fact, which we learn from a table given in the Appendix, showing the present trades upon which prisoners are employed in the prison and their occupation previously, that out of 525 prisoners, only 36 took to trades of which they had had any knowledge upon their entry into the prison; so that nearly 500 persons learned new trades. Care is taken that the regular manufacturer is not under-sold, the prices upon the goods being fixed at the regular market value of similar articles; and instances have occurred, in which large sales have been refused at prices, which would have given a very fair profit, because the prices offered were below the regular market value. This teaching of trades is in every point of view a most important feature of the new system of Prison Discipline. The Calcutta Prison Discipline Committee, we shall presently see, object to teaching trades; there can be no doubt however that the practice forms a habit, and in many cases a permanent habit of industry amongst the prisoners; it enables them, when they reach the colony, in which their future destiny is fixed, to earn an honest livelihood of their own, and to become, perhaps, useful colonists. This result the Commissioners attribute "to ' that system of separate confinement and moral discipline ' to which each prisoner is subjected. His mind is brought ' into exercise as well as his body; his attention is undivided; ' he is interested in his occupations; he feels the present as ' well as the future value of the trade he is learning; he ' pursues it with eagerness; and he finds it a solace and a ' resource, as well as a duty."—*Second Report*, p. 8.

The expense of the prison during 1843 was £13,849—and that for completing the buildings, furniture, books, machinery, tools, &c. are £5,301—total £19,151. The *diet* of each prisoner cost £9-0-10—and the years' clothing was £2-4 per head. The general instruction of the prisoners is carried on, by a Principal and three Assistant school-masters. The prisoners, when they attend the instruction classes, leave their cells and march in single files, 15 feet apart, to the large room; here they sit in separate stalls, from which they can all see the master without seeing one another; they can hear each other read, and answer questions, but they have no means of communication with one another, as there is an empty stall between each occupied one;—on their way to and from the school room, Chapel, or whenever in fact they are out of their cells, they wear a peculiar description of Cap with a long peak in front, which prevents their looking about and recognizing one another.

On the 10th of March 1845 the Commissioners made a Third

Report upon the state of the Pentonville Prison; this is also before us, and gives some most remarkable and most gratifying results. It would seem, that of 382 prisoners who had concluded their eighteen months in Pentonville, 288 had been placed in the first class; that is, this large majority had received, as Sir James Graham described it, "a ticket of leave, which is equivalent to freedom, with the certainty of abundant maintenance, the fruit of industry;" 78 had been placed in the second class as probation pass holders; 13 had been placed in the third class, as having behaved ill; and three only had been removed, as incorrigible, during the whole year: of 741 prisoners in confinement during the year, only 69 were punished for offences; of whom ten only were punished twice, and only two more than twice; so that 672 prisoners were never subjected to any punishment at all. The Commissioners consider therefore that "punishment for prison offences can scarcely be considered an element in this system of discipline."—*Third Report, p. 4.*

As a remarkable contrast to this we copy the following statement from the third Report of the Inspectors of Prisons for the Home District, written in 1838:—

"Selecting the two prisons in which the Silent system is most carefully and strictly carried out, we find that there were, in the course of the last year, in

	Prisoners.	Punishments.
' Coldbath Fields House of Correction .....	9,750	13,812
' Wakefield House of Correction...	3,438	12,445
	13,188	26,257
' In all the Prisons of England and Wales.....	109,495	54,825

' Whilst therefore these two prisons contain rather less than one-eighth of the whole number of Prisoners, there were inflicted within them nearly one-half of the whole number of punishments."

Comparing this with the Pentonville return, we find, that, whereas under the Silent system at Coldbath Fields, and Wakefield, *each prisoner was, on an average, punished twice*, under the Separate system of Pentonville, not one prisoner in ten was ever punished at all!

Of the 366 prisoners, who, having completed their probationary imprisonment in Pentonville, were sent abroad in course of last year, the following analysis is given; it is so curious, that we cannot resist the temptation of inserting it entire:—

## ON ADMISSION.

Of 83 who were <i>totally ignorant</i>	28	
	.. 29	
	.. 26	
	— 83	
Of 82 who could <i>read only imperfectly</i> and had <i>no knowledge of arithmetic or writing</i> ....	36	46
	— 82	
Of 62 who could <i>read and write only imperfectly</i> , and had <i>no knowledge of arithmetic</i> ..	6	56
	— 62	
Of 23 who could <i>read well</i> , but had <i>no knowledge of writing and arithmetic</i> .....	} 28	
And 5 who could <i>read and write well</i> , but had <i>no knowledge of arithmetic</i> .....		
Of 42 who had only an <i>imperfect knowledge of reading, writing and arithmetic</i> .....	8	34
	— 42	
Of 49 who had a <i>good knowledge of reading, writing and arithmetic</i> .....	49	
Of 20 who were <i>well-educated</i> ..	20	

## ON REMOVAL.

Had acquired a knowledge of reading, writing and arithmetic.  
 Could read, write and cipher well.  
 Were in the higher rules of arithmetic, and 70 of the total number had acquired considerable general knowledge.

Could read, write, and cipher well.

Were in the higher rules of arithmetic; and the entire number had obtained considerable general knowledge.

Could read, write, and cipher well.

Were in the higher rules of arithmetic; and all had acquired much general knowledge.

The whole could read and write well; cipher in the higher rules; and had obtained a very considerable portion of general knowledge.

Could read, write and cipher well.

Were in the higher rules; and all had obtained very considerable general knowledge.

The whole had attained to the higher rules; and mensuration and become highly intelligent men.

The whole had become very much improved; and had turned their attention to various useful and rational studies.

Of these 366 persons, 201 had learned a trade who had never known one previously; and there were 141, who, having a

knowledge of one trade had been taught another; thus qualifying themselves to exercise two different trades. In 1844, the average earning of each prisoner was £4-4-10½ over and above the cost of materials; and it must be borne in mind that the men were instructed in reading, writing, &c. two days in the week, so that only four days remain for working at trades. The comparative cost of each prisoner was much less in the second year of the existence of the Model Prison than in the first—as will be seen by the following table:—

	1843.	1844.	Remarks.
Average cost of each man	£49 5 0	£33 6 8	Decrease of £15 18 4 p. head.
Diet.....	£ 7 0 10	£7 11 2	Increase .. £ 0 10 4 „
Clothing .....	£ 2 4 0	£1 3 1	Decrease .. £ 1 0 11 „

No cases of insanity occurred, and only three deaths.

We have given this long and detailed account of the Pentonville Prison, because, as we said before, it is the Model in England of the Separate system of prison discipline. Upon its success, or failure, much will depend; and we think we may safely predict that success must, and will, crown the benevolent efforts which are now being made in England, though alas not in India, to ameliorate the condition of prisoners.

We fear that many of our readers will question the truth of the statements which we have given above; and they are, in many respects, so startling and extraordinary, that we can hardly be surprised at their incredulity. We do not find any mention, however, in the reports before us as to how the persons who are placed at Pentonville, are chosen; whether particular individuals, upon whom the system is likely to have a good effect, are picked out; or whether all the prisoners who may be convicted, for the first time, and sentenced to transportation, at any particular Assizes, are despatched, good, bad, and indifferent, to Pentonville. We fear that the former must be the case; for we can hardly imagine, that all, or even a fair proportion of the 382 persons who were transported during 1843, could have been bred up in the Sykes and Fagin School. We can imagine the Pentonville discipline having a very excellent effect upon men such as Barber and Fletcher; who, our readers will remember, were transported for being concern-

ed in a case of Forgery; such men, naturally acute and sensible and brought up with as great an abhorrence of murderers and Highway Robbers as ourselves, would, no doubt, see the advantages of good behaviour at Pentonville; and would feel thankful for the kindness which placed them in a solitary cell, instead of compelling them to herd with cut-throats. But that these feelings should actuate "Artful Dodgers" and such like, and convert them, on the instant, to moral and religious men, quiet and steady, upright citizens, and useful colonists, is, to say the very least, most difficult to be credited. And yet there can be no doubt, we think, that, wonderful as it may seem, it is absolutely as reported. We confess however we should be glad to hear how the Pentonville stock is replenished. We are aware that only those who are convicted of a first offence are sent there; but keeping this in view, the good behaviour of the prisoners seems to us little short of a moral miracle.

We now come to the subject more immediately before us; namely, the improvement of the discipline in our Indian Gaols. We believe that a strong, and, in the interior of the country especially, very general opinion exists, against accepting the reasonings and the conclusions of what is somewhat contemptuously called, a Calcutta Committee. The Government of India, naturally enough, likes to get its work done as cheaply as it can; and when this feeling does not interfere with utility, there can be no question that they are right. We are inclined to think, however, that it not unfrequently happens that the benefit, which may reasonably be expected from an inquiry, is much circumscribed by this habit of taking what is at hand, good though it may be, instead of searching for the best instruments to be had, wherever and howsoever to be obtained. It is in this way that Calcutta Committees are formed; it is for this reason they are, let it be reverently spoken, in bad repute; and it is, perhaps, for this reason, that we so seldom find any practical results from their labours. If the Government desires information and suggestions of improvement with reference to the Post Office system of the Country—upon the Police—upon Municipal matters—upon Slavery or any thing else,—why, we ask, do they not get this information and these opinions, from the best sources they possess? why limit themselves to those persons only who have situations or employment at the Metropolis? or to those persons only who are in the immediate service of Government? The reply will suggest itself to our readers. To procure the best information, money must be paid; and it is here that the shoe pinches. It requires a good deal of agitation on the part of the

Press to induce the Government to take up a subject involving expenditure at all: once moved, a Committee is appointed and a sop is thrown to the Cerberus of public opinion. The Committee send in their Report, after, generally, one or two years; it is passed round in certain red Boxes to each member of Council, and then shelved in the Secretary's office; and who will say that, in many cases, this is not the best thing that could be done with it? The fault of all this lies in the beginning of the undertaking; if a thing is to be done at all, it should be done well; and to be done well, a more extended field for choice should be allowed than that which is furnished by Calcutta. If you have to pay for it, what then? the laborer is worthy of his hire; and if you get good work, you *must* pay for it.

During the last 10 years we have had, we forget, how many Police Committees; a Municipal Committee; a Prison Discipline Committee; a Post Office Committee; a Slavery Committee; a Finance Committee, and others which it would answer no purpose at present to enumerate. To all of these Committees, we have had the ablest men in Calcutta appointed—men, whose opinions are worth asking, and, what is more, worth taking. But, though good men, though excellent men, there were as good, perhaps some better, to be found *out* of Calcutta; as well as others, both in and out of Calcutta, but not in the Service at all: to get these, however, the Government must probably have paid for them, while officers, who had appointments at the Presidency, might be nominated without costing the Government a fraction. We believe that, with the exception of the late Captain Tayler, the excellent Secretary to the Post Office Committee, no single member who was appointed upon any of the Committees above named received one shilling for his services. The single exception to the above rule has been, we think, in the case of the Commission appointed under the Charter to draw up a uniform code of Laws and a code of Procedure. It may be that the ratio between the cost and the utility of this Commission have been such as to give the Government a distaste to appointing paid Committees, except when compelled to do so by Act of Parliament. We confess if our surmise be well grounded, we cannot find it in our hearts any longer to blame the Government very severely for their penurious policy.

(The Prison Discipline Committee consisted of, perhaps, more able men, than almost any Committee which was ever nominated by the Government;) and although an infusion of country, in contradistinction to Metropolitan, talent, might have rendered their recommendations more practical, and therefore more useful, we are not in any way disposed to quarrel with the forma-

tion of this Committee. (It contained, so to speak, a galaxy of talent ; as all will confess who have had the pleasure of numbering amongst their friends, such men as Ryan, Macaulay, John Grant (pere et fils), Cameron, Macleod, Millett, Macnaghten, Trevelyan, and others. This Committee was appointed on the 2nd of January 1836 ; and their Report is dated the 8th of January 1838 ; during these two years they collected together a vast mass of information regarding the actual state of the Gaols of India, and the opinions of the officers in charge of them ; and submitted them to the Government, with some practical, and some theoretical, recommendations of their own. Since then what has been done upon the subject ? Echo answers, of course, what ? The report went the usual *trajet* in a red box ; and now, doubtless, reclines on a Record Rack in some Secretary's office, in the midst of " consultations " and " Proceedings " of all kinds, enveloped in cobwebs and dust—a mass of filthiness as unpleasant to the eye and nostrils as loathsome to the touch.

The recommendations of the Committee may, we think, be said to resolve themselves into two great and organic changes : namely, the abolition of out door labor, and a partial recognition of the separate system of confinement within doors. Out of these two radical changes emanated, however, many other recommendations.

We will quote the Committee's own words for their two great recommendations :—

*First.* " We are strongly of opinion that the demoralizing effects of imprisonment cannot be avoided until the system of putting Convicts to out-door labor be abolished."—*P.* 233.

*Second.* " There can be no doubt that solitary confinement is generally the most dreaded of all descriptions of confinement, and that, therefore, the great end of punishment is generally most effectually attained by solitude."—*P.* 258. " It may, however, be a matter of great nicety to apply this system to the Indian climate, and the Indian character, physical and moral, but there is no reason to despair of success from a modified plan of this sort."—*P.* 263. " We think it will be better to authorize the Judges to sentence to certain terms of solitude, with or without certain terms of imprisonment of any other description ; and not, *a priori*, to restrict the use of solitude by any definite law till experiment shall have shown, with what qualification, solitary confinement can most beneficially be inflicted ; and how much of it, so qualified, can be borne wholesomely."

The minor recommendations, or rather—for they are perhaps



as important as the two we have just mentioned—the recommendations which were consequent upon the carrying out of those two above quoted, are:—

- 1st. A better classification of prisoners than at present.
- 2nd. The introduction of labor upon Treadwheels.
- 3rd. The introduction of rations of food, instead of a money allowance.
- 4th. The abolition of the practice of permitting each convict to cook his own meals.
- 5th. The building of great central Penitentiaries.
- 6th. The appointment of an Inspector of Prisons for the provinces under the Jurisdiction of each Local Government.

There were other matters also, such as the better treatment of untried persons, the abolition of heavy fetters, the exclusion of all Friends or Visitors from the Prison, &c. &c., which formed a part of the Report, and are subjects of discussion.

The first points, namely, the employment of Prisoners out of their gaols, is, to our apprehension, the most important of all, and should have been, we think, the first to have attracted attention, and to have called for reform. As long as the present system of employing prisoners on the roads is persisted in, it will be futile, we are satisfied, to hope for any improvement in Prison Discipline by the adoption of other minor changes. This is the key of the arch; and upon it, the whole question of improvement rests. The abolition of outdoor labor would strike at the root of the existing defective and rotten system. Our readers will remember our mentioning before, that when the Legislature of Pennsylvania, in 1786, reformed their Code, they legalized the punishment of forced labour in public. The Inspectors of Prisons in Great Britain, in noticing this, say, “the result was frightful. Debasement, corruption, and an immediate repetition of crime, were the consequences of this mistake.” And yet not only does this system form the chief occupation of nine-tenths of the prisoners in India, but, we fear, that those who have the power to correct the evil, do not look upon it as one—that they by no means agree with the English Inspectors of Prisons in thinking it a “mistake.” Is it supposed that working on the roads is looked upon as a punishment by those upon whom it is inflicted? to nineteen out of every twenty, we believe it is nothing of the sort; it may be a punishment to a man of station or property, who has never been accustomed to it before; but such a man has the means, probably, of purchasing exemption from it; and this he always does. Examine a working gang of prisoners and you will find, that almost all of them have been accustomed

to agricultural pursuits during the entire term of their lives—when at liberty, they have to work for their bread; their labor has perhaps been embittered by the reflection that their wives and families, the inmates of the miserable hovel which they call a home, have nothing to eat; but, once in Gaol, and all concern for their own personal comfort is ended; they know, that dig and delve as little as they please, they have an excellent meal waiting for them in their new and comfortable abode, without even the trouble of cooking it. We would ask any one who has seen a gang of convicts at work on the roads, whether he ever saw a happier set of laborers any where? one-half of them are, probably, smoking, and the other pretending to work; singing, laughing, joking, and only waiting their turn to exchange the Spade for the Húkah. This is a scene which must be familiar to most persons; and those who have never seen any thing of the sort, have only to cross the Alipore bridge, on any day in the week they please during the day time, and we will guarantee them an exhibition such as we have described.

The first step, therefore, which must be taken towards a reform, is, at once to put a stop, as the Prison Discipline Committee have recommended, to all out-door work. That there are difficulties in the way of this, and that it cannot be done till labor in the interior of the gaols is provided, we admit; but what great question, and we look upon this as one, was ever without its difficulties? One of the first objections which will strike a resident in the country, will be this: at inland stations where the roads are made and kept in repair, entirely by convict labor, it will be asked, “what are we to do for our drives? the Government will never allow us to hire labor; and without one or the other, the roads will become impassable; the expense of hired labor would be so great, it would be useless applying to Government on the subject.” Hear what our Committee say to this—hear what they demonstrate—hear what they prove unanswerably:—“We have,” say they, “no doubt, notwithstanding the apparent anomaly, that the working of Prisoners on the Roads, does actually entail a dead loss upon the state.”—*P.* 125.—And they prove their case with figures, and in a manner which the most ingenious sceptic may scoff at and doubt, but which he cannot disprove, argue he ever so wisely. We recollect hearing, at the time the Committee’s Report was first published, that Col. Irvine of the Engineers, then a member of the Military Board, declared the figures and statements of the Committee to be all wrong. He was invited to prove this, but we never heard that

he was able to do so; on the contrary, we heard that he gave up the task as a hopeless one. Facts are, as we all know, stubborn things; and the following facts cannot, we believe, be got over, or their accuracy be impugned.

The annual average cost of Prisoners working under charge of an Executive officer in Bengal, was found, from returns prepared by the Civil Auditor, to be *Sicca* Rupees 46-4-6: in the North West Provinces the same description of Prisoners cost Rs. 58-11-1 each. These men were employed exclusively in making roads; that is, in labor with the Mattock, or Kodali, such as is common in all parts of the country; in work, in fact, of the commonest kind. The average annual cost to the state of those Prisoners who were left in Gaol, perfectly idle, was found to be Rs. 24-2-0 per annum; and allowing for sickness, Native Holidays, Sundays, &c. it was ascertained, that a convict does not actually work more than equal to twenty-one days of a paid labourer's work, in each month. The road gang prisoner therefore in Bengal, costs Rs. 46-4-6, for twenty-one days work every month; and the *idle* Prisoner costs Rs. 24; the working Prisoner, therefore, costs Rs. 22 more, per annum, than the idle one; and this, at the rate of twenty-one working days in the month, gives about one anna and a half per diem, which is more than the wages of a hired laborer!

Our readers will like to know in connection with this strange and paradoxical fact, what causes the great increase in the expense of the out-door Prisoner. The chief difference is in the guards; a thousand men within the Jail may be guarded by half a dozen, or less, persons stationed upon the walls; but these thousand convicts, if employed in a road gang, will require, at the rate of one Burkindaz to four Prisoners, 250 men to guard them; which, at three rupees each per month, will alone amount to Rs. 750 per mensem or Rs. 9,000 per annum. Then, again, if working at a distance from the Gaol, as many of the Prisoners to whom these statistical facts relate were doing, namely on the Great Benares Trunk Road, they require Tents, Doctors, Medicines, &c. &c. It must be remembered also that, in addition to this, the free labourer with a desire, perhaps, to please his master, or himself, will do much more work than the convict with no such incentive, and with irons on his limbs; and it is stated, in the report before us, that the cost of employing convicts upon road-work is at least *double* the cost of working by contract. With these facts proved to demonstration, by a collection of gentlemen whose ability forbids the possibility of a suspicion that their credulity had been practised upon, it is difficult to comprehend why nothing

is done to amend such a state of things. We have already admitted that it would not be possible to confine Prisoners within their respective Gaols, night and day, in the state in which those Gaols are at present; the first thing to do is, to alter our existing Gaols, or else to build new ones; the next, to employ the inmates of each Gaol within its four walls. The building new Gaols through the country is, practically, out of the question; the outlay would be enormous, but the present buildings might very easily be made something of. Where the Area is too confined, an additional space might be enclosed, adjoining one or other of the walls of the existing Prison; this might be done, at a very trifling cost, by the convicts themselves, and when once this Area was enclosed, the objectionable practice of working the men in public, might be discontinued. When also the present buildings allow of it, by the size of the yards, workshops might be built in them in order that the entire Gaol might be divided, as it were, into a series of small Gaols. If, in this way, each ward had a yard and workshop attached to it, the persons confined in that ward might never be permitted to leave it, day or night.

Have our readers ever been within an Indian Jail? If not, we recommend those who are desirous of ascertaining for themselves, what sort of a life a Burglar, or a Dakoit leads, when under confinement in this country, to take an early opportunity of visiting the nearest one at hand; they are all much the same; the only difference is, that one is perhaps worse than another; the same system, if system that can be called which has none, exists in all. The visitor will find the lean Bengali, who came into the Gaol, only a few months before, more like a scare-crow to frighten birds, than a human being of flesh and blood, filled out in the ribs, his muscles developed, his head erect; and no care-worn marks in his countenance. He sees perhaps, one man stouter, plumper, and fatter than the rest; more like a Calcutta Babu, with his swelling rotundity, than the son of old Hunsraj the Barber; he inquires why he is there, and finds, that his history has been a remarkable one. He is told that, thinking the life a Barber beneath him, the object of his enquiry, from shaving the chin of some Magistrate, and showing himself a clever fellow by making himself prominent in other ways, got promoted to the post of a Police Burkundaz or guard—that, keeping his own interests, and the Magistrate's, in view, he turned spy and *peached* against some run away convict, who was formerly his friend, and had been concealed in his own father's house for a couple of years. The re-capture of this unfortunate man so delighted the Magistrate, and gained

him such praise with the Superintendent of Police, and the Court of Nizamut Adalat, that our friend met his reward in being nominated to the higher post of Jemadar of a Thannah. Again he recommended himself to the favor of the Magistrate by bringing him some intelligence regarding the lair of a notorious tiger. This gained our friend a Darogahship; for, as the Magistrate said, "that Hunsraj is a proper sharp fellow, and 'will make a capital Darogah I have no doubt." He was now at the top of the tree; from the son of an obscure Barber, he had risen to become a Darogah; and, better still, a favorite with his master. But this rise in the world was too much for the Barber's son; he gave rein now to his profligate nature and one fine day found himself convicted, at the Sessions Court, for a criminal assault, with torture, upon a poor unoffending girl, (the details of which are almost incredible for their brutality), and sentenced to fourteen years' imprisonment, with labor in irons. However, during his career, he had managed to accumulate a little "nest egg," and he now employed this money in procuring the setting aside of the latter portion of his sentence. How he managed this, matters not. Suffice it to say he *did* manage it, and there he was, enjoying his *otium*, literally, *cum dignitate*, for he was looked upon, by those who were confined in the ward with him, some 100 men, as a really great character, and one whose example should be followed. The above is, without exaggeration or amplitude, the history of the fattest and best conditioned Prisoner we ever saw; he toiled not—he grieved not—he rose when he liked—dressed when he liked—ate when he liked—did what he liked; he was a contented, and, apparently, happy man, and was on terms of intimacy with his Jailors. His victim had died shortly after his conviction, but without doubt in consequence of his brutality. What mattered that to him! he was merry enough—the only thing which he had to do, in the way of penance, was, to appear respectfully, with clasped hands, whenever the Magistrate or Judge inspected the Gaol, and to mutter, as they passed, something about the hardships of the Gaol, and the fact of his being a "Ghurib admí."

But we have lost sight of our subject. To return—we have shown that it was incontrovertibly, and unanswerably proved, eight years ago, that the working of Prisoners on the roads, "does actually entail a dead loss upon the state," and we now proceed to the second great recommendation of the Committee—that of separate confinement, the great and only practical objection to which is, the expense it will involve. One end of all punishment being to deter persons from committing crimes, the

knowledge that real punishment will certainly follow the commission of crime, is much more likely to have this effect, than the fear of a severe punishment afterwards. The question then arises, what punishment has the effect of deterring others in the greatest degree?—at present the punishment in India is, in the majority of cases, nothing else than the transfer of the culprits from incessant toil, and pinched and precarious livelihood, to easy work, and good wholesome food.\* Is there anything in this to deter him from committing offences, in future? or is the knowledge of this at all likely to deter others from following his example? Is there any thing here to make him dread the precincts of a Gaol, or inspire a wholesome horror of violating the Laws?

The Committee, in Para. 311 of their Report, say that there is no reason to believe that crime was decreased in Bengal. On the contrary, they declare, “after every consideration we can give the subject, it appears to us that the immense yearly increase of Prisoners can only be accounted for by an increase of crime, and that the increase of crime must mainly be attributed to a defective system of punishment.”

This was in 1838. We have a statement now before us, of the number of cases, arrests, acquittals, and convictions in Bengal which gives the following results for the two years of 1838 and 1844—and Mr. Dampier’s last Police Report supplies us with that for the last year, 1845:—

	<i>Cases.</i>	<i>Arrested.</i>	<i>Acquitted.</i>	<i>Convicted.</i>
1838 . . . . .	36,893	43,787	12,191	26,669
1844 . . . . .	43,487	82,987	30,809	45,025
1845 . . . . .	117,001	86,623	32,831	50,235

We have not, because such a thing does not exist in non-statistical India, a statement giving the comparative Population at the two periods mentioned—but there can be no question, that the increase of Population has not been such as materially to affect, or adequately to account for this increase of crime. Neither can we find any commensurate cause in any alleged improvement in the vigilance of the Mofussil Police. The arrests and convictions are double, and the acquittals nearly three times, what they were only seven years before! but though increased Population, or any new regulations of Police, may not be sufficient to account for this, we have no doubt that increased comforts in Gaol have much to do with it.

(We have said above, that the great and only practical objections to the introduction of the system of separate confinement in this country, is, the expense it will involve.

This expense, however, is only temporary ; the outlay in the first instance will be heavy, but will not the return compensate for it ? It cannot be denied that the building of Penitentiaries, and Houses of Correction would involve a very large outlay at first ; but if the result of years shows, that the severity of the new system has lessened crime, and consequently the number of criminal mouths which the Government has daily to fill,—will not this (leaving out of sight the moral obligations of the Government) satisfy even those who take only a pound, shilling, and pence view of the case, and look solely to the number of rupees which it will cost, that their end too is gained, though in a different way from that which they themselves proposed ? We have heard the proposals of this Committee laughed at and treated as chimerical by those who, we fear, have never read the Report with any attention. We have heard the projectors stigmatized as little short of madmen ; but, surely if they prove not only that the reforms proposed by them are necessary and proper, but that they will eventually cause a saving to the state, the objectors must at least admit that there is “ method in their madness.” The sentence of imprisonment in India we believe to be a sentence of increased enjoyment ; it is as if the Judge were to address the prisoner and say,—taking the well known parody of Sydney Smith, and applying it to this country,—“ Prisoner at the bar ! you have ‘ been found guilty of a grave and heinous offence, and it is ‘ necessary that the sentence of the Court should be of such a ‘ nature, as to prevent others from following your wicked ‘ example. You have urged in your defence, and I believe ‘ truly, that you have been driven to the commission of crime, ‘ by the want of the common necessities of life ; and that ‘ you have only committed a theft, and burglary, in order ‘ to supply yourself with food and raiment—but this is no ‘ legitimate excuse ; and I must pass upon you such a ‘ sentence, as will deter others in your sphere of life from ‘ following your bad example. The sentence of this Court ‘ is, that you be removed from the roofless mud hut in ‘ which you have been accustomed all your life to reside, to ‘ a well ventilated brick building in this town called the Gaol : ‘ that you be subjected to such moderate work as will keep ‘ you in good health and spirits : and that, instead of having to ‘ roam about seeking what you may devour, two well cooked ‘ meals, such as you have never seen before, or even “ dreamt ‘ of in your philosophy,” be prepared for you : that after ‘ partaking of these luxuries, you be presented with an allowance ‘ of tobacco, and be permitted to smoke the “ calumet of peace”

"till the evening: when you will be locked up in a comfortable brick building, with other vagabonds as happy as yourself."

Is it not natural in such a state of things that crimes should increase? and if crimes increase, the number of prisoners will increase, and consequently the number of persons who require to be fed at the public cost increases.—But then, the charges for dieting prisoners, even if they become more and more, year by year, form one of the usual and ordinary expenses, which in the vast mass of accounts of the Government would pass unobserved; whereas a lakh or two of rupees, under the head of "Penitentiaries," would inevitably raise many questions, and consequently give much trouble. And is it by such subterfuges that a great Government should get rid of a great subject? Certainly not. Yet we cannot fairly blame the Government for negligardliness in their Police arrangements, of late years at least. Within the last twelve months they have raised the salaries of Police Darogahs to something approaching a competency; and they have created the new appointment, which is open to the best men to be found in the country, of Deputy Magistrates. All this shows a laudable desire to improve the Police; but would it not be simpler and better, instead of increasing the number of thief-catchers, to decrease the number of thieves, by holding out an inducement to be honest; or, at least, by *not* holding out an inducement to be *dishonest*? The object to be gained is, not so much to catch thieves and vagabonds, as to put an end to the inducement to pilfer and commit heinous offences; and the first step towards this object should surely be, to make Gaols a place of real punishment—a place to which a man who once knew its horrors, would not desire to return—a place of suffering—of toil—of very plain provender.

Solitary confinement, is a punishment, regarding which much has been written, both for and against; and upon which opinions amongst the ablest men even, differ strangely. All admit, none can deny, that it is a dreadful punishment; and the one which has been found, in European and American prisons, to be the most dreaded of all known punishments. It is said to tame, in an incredibly short time, the fiercest and the most fiery spirit; the person subjected to it, at once sees how hopeless all resistance is; he is immediately convinced of his own weakness, and of the futility of all opposition; there is no one present to encourage him in rebellion, no one to applaud him; from the solitary thoughts which it necessarily inspires, in the hardened as well as the most quiet, it is said to have such an innate reforming tendency, that recommitments are becoming unknown in places



in which it prevails. The Prison Discipline Committee think it would be a matter of "great nicety" to apply this system to India; although they say that there is no doubt that, in England and America, solitary confinement in a small but airy cell, if work be allowed, can be inflicted for a great length of time without risk to life or sanity. We believe it would not be so difficult as is supposed, to introduce this, the *only* effectual punishment, into our Indian Gaols;

Many and various are the objections which have been urged against separate confinement; and, there is no doubt, a very general impression exists, but we think only amongst them who have taken a cursory view of the subject, that it conduces to melancholy and madness. It is objected by some that it is an unequal punishment—inflicting more real suffering upon the man of cultivated mind, than upon others; but this inequality may be said to be the effect of all punishments; for a gentleman would, undoubtedly, feel more degradation in half an hour's tramp upon the treadmill, than a chimney sweep. One of the questions put by the Committee to the local authorities was—"In your opinion are there any objections to the introduction of the punishment of strictly solitary confinement for limited terms?"

This query was replied to by more than fifty officers attached to the Bengal and Agra Presidencies, and the replies of all but three, were in favor of this mode of punishment. By this large body of intelligent and practical men, solitary confinement was pronounced, a much dreaded punishment—highly efficacious—calculated to tame the most sturdy and to curb the most unruly and turbulent. The Sheriff of Calcutta, the late Mr. R. H. Cockerell, declared, that it had "come under his observation, that Europeans of the most violent, overbearing character, picked from the army for ungovernable conduct, in the daily habit of breaking the prison rules while in Gaol, and striking the sentries, had been, by four days' solitary confinement, reduced to gentleness, civility, and a mildness of manner, scarcely to be credited by them who have not observed the effects." Of the three gentlemen, who objected to the punishment, one did so because, as he said, the natives "are naturally timid; and ignorance is their greatest fault." The second said, it would not be efficacious, as "a native would sleep through his time with great composure, and perhaps regret when the period arrived for his resuming his active labors on the roads;" and the third thought, that "the native mind is, generally speaking, so sunk in the darkest superstition and ignorance, that I should fear solitude would

‘ produce only terror that might end in madness and suicide.” We confess we cannot see the force of any of these objections. The first is quite beyond us; the second gentleman thinks solitary confinement would induce a composed sleep of some months’ duration; and the third that it would lead to madness and suicide!

The Committee themselves are favorable to solitude; but, as we mentioned before, we think it would be a matter of much delicacy and nicety to apply the system to our Gaols in this country. They recommend, therefore, that judges should be authorized “to sentence to certain terms of solitude, with or without certain terms of imprisonment of any other description; and not, a priori, to restrict the use of solitude by any definite law, till experiment shall have shown with what qualifications solitary confinement can most beneficially be inflicted, and how much of it, so qualified, can be borne wholesomely. Then, but not before, the Law of prison discipline on this point can be framed with confidence; but till experience can be our guide, we think it will be the safe course to declare, that a sentence of imprisonment in solitude for any term, shall mean no more, than that as much of that term shall be passed in solitude as may be found to consist with the health and reason of the sufferer.”—*Para. 267.*

We fear there is no probability of such a modification of our code being proposed. Here again the bugbear of expense opposes improvement. The Government shrinks from the heavy outlay which would be involved in the matter. As we mentioned when describing the Pentonville model Prison, each cell there cost £161 or upwards of 1,600 rupees; and the Separate cells in the Calcutta House of Correction cost about 160 Rs. each. There certainly is something to stagger us in this. Taking the number of Prisoners in India at only 50,000,\* to put each into a Separate cell, would cost eighty lakhs of rupees. This charge at the very outset, at the threshold of the undertaking, is enough to make a Governor-General hold back. Nor would we desire to press any thing of the sort upon his consideration; but surely a partial separation might take place. There are very few Gaols in India which contain one solitary cell even; and we have seen, when it was desired to subject a violent man to the solitude which inevitably subdues him, the condemned cell of the Prison used for the purpose. Surely it would not be difficult or expensive to build, with the assistance of Prisoners themselves, a few, say 50 or 100, Separate cells in each Gaol, and always to keep them full. We venture to say that even this very imperfect

\* The Report of the Committee, page 9, gives it at 56,632, as far back as 1838.

Separate system, would soon have a marked effect in diminishing petty crimes. We would not confine men sentenced to long terms in these; but reserve them for the vagabonds and rogues who are sent to Gaol for three or six months; and we are satisfied few of them would desire to return to the Gaol, when once out of it. We believe that the introduction more generally into our Gaols of the punishment of solitude, would have a marked and striking effect; and that this would be more sudden and immediate than is generally supposed. Notwithstanding the many startling facts which are brought to our notice in the reports of the Pentonville Prison inspectors, and other works, we are not, we confess, amongst those who are very sanguine as to the *moral* effect of solitary confinement. It is difficult to think that the man who has perhaps been born in a brothel—nursed in a cellar—and educated amidst ruffians and profligates—the man who has considered it an object of his highest ambition to follow in the steps of Jack Shepherd,—who has been taught to scoff at religion and its ministers—can be reduced, by a month or two of confinement, and chiefly by want of companionship, into a really meek and moral convert. We may doubt the sincerity of many, at least, of the conversions which the excellent men, whose duty it is to look after and report such matters, speak of with pride, and describe to their superiors with honest exultation. It is, in fact, more easy to believe, that these sincere and good men are often deceived by the professions of their congregations, than that individuals, whose habits and pursuits have been diametrically opposed to every precept of Scripture, should, in the short space of a few months, throw off their degraded natures, and appear as holy and moral persons. The sudden transformation of persons so circumstanced, is always liable to more or less of suspicion. We believe firmly in the excellence of Separate confinement as a punishment—but we believe in its efficacy, for a very different reason from that which enthusiastic writers upon the subject, generally give. We are quite satisfied that the 288 persons who behaved well in the Pentonville Prison in 1845, and were placed in the first class, and got tickets of leave as we have detailed above, did actually and truly conduct themselves in an orderly and proper manner whilst at Pentonville. That is, that they created no disturbances in the Prison—that they did not abuse the officers when in their presence—that they did the work allotted to them—that they walked steadily to Chapel, and to the school classes, with the Regulation cap well over their eyes, &c. &c.—but we are much more inclined to believe that they conformed to all the requirements of the Prison, because they believed it was for their own interests to do

so, than because they were transformed from ruffians into really moral or religious men. A Prisoner in a Separate cell is a very different person, we have not the least doubt, to a Prisoner in a large Newgate Ward. The latter, when surrounded by hardened characters as bad as himself, dilates with glory and pride upon the several exploits which have distinguished his life; and tells his hearers, with an unhappy garnish of oaths, how many crimes he has committed in his eventful career, and how many more he intends to commit when his term of imprisonment is over; but put this man into a cell of seven feet by nine, and satisfy him that, if he behaves well, he will, in eighteen months' time, get what is "equivalent to freedom:" whilst, if he behaves ill, he will be sent to Tasman's Peninsula, "there to work in a probationary gang, without wages, deprived of liberty—an abject convict," and we doubt not he will see it is to his interest to behave steadily and quietly, and that he will eventually be transported under the denomination of a "useful colonist:" we may question however whether this change which has been wrought in him, has not been, in most cases, effected by the intuitive perception which he possesses of what is best for his own interests. The adventures of criminals, from the gentlemanly Paul Clifford to the ruffianly Bill Sykes, have always possessed much interest, and are read with the greatest avidity by all classes: if we recollect right, Courvoisier attributed the murder of Lord William Russell, to the reading of Ainsworth's novel of Jack Shepherd. But put Paul Clifford or Bill Sykes or Jack Shepherd into a solitary cell; and you may search long enough, we venture to say, before you will find a Bulwer, or a Dickens, or an Ainsworth, who would be at the trouble of chronicling their adventures. The "artful Dodger," if in Pentonville, would probably say to himself, that the best thing to be done was to remain quiet, in order that he might be a gentleman hereafter at Sydney; and we fear that the prayers and exhortations of the Revd. Chaplain at the Model Prison might not have as much to do with his apparent contrition, as that reverend gentleman would sincerely believe, and as he would fain convince others. It is not that we, for a moment, call in question the *possibility* of such sudden change, transformation, or even real conversion. Quite the contrary. With the Almighty all things are possible; and there is no limit to his goodness, mercy, and grace. We only desire to express a cautious and prudent doubt respecting the *nature* and *extent* of alleged sudden and great changes, under circumstances in which inferior secular motives *may* exercise a predominant practical influence.

In the report of the Inspectors of prisons in Great Britain, published in 1838, they quote an opinion of the "late Governor of the Sing-Sing Prison," without giving his name, which bears out our general view of this matter:—

"If I were to mention a prognostic, I would even say that the prisoner who conducts himself well, will probably return to his habits when set free. I have always observed that the worst subjects make excellent prisoners; they have generally more skill and intelligence than the others; they perceive much more quickly and much more thoroughly, that the only way to render their situation less oppressive, is to avoid painful and repeated punishments, which would be the infallible consequence of insubordination; they therefore behave well without being the better for it."

This applies to prisoners under the Silent system it is true; but the moving principle, we fear, is a good deal the same at Pentonville.

Still, however much we may be inclined to question the reason which induces many criminals to reform in Penitentiaries, there can be no doubt as to the fact. The Jonathan Wild is, somehow or other, transformed into a Joseph Andrews. Men may debate about the peculiar nature of the alchemy by which this change is wrought; we take it as we find it; and the first question appears to us to be, "Do others dread this punishment so much that it deters them from committing crimes?" The second question is, "Have we by this punishment made the prisoner a moral man and a useful Colonist?" This latter object is one which no Christian man can possibly undervalue; but a difference of judgment may arise as to whether it more properly belongs to the Clergyman or the Prison Discipline Reformist. It may be questioned whether the Pentonville system can ever be largely carried out even in England; and right thinking men may differ as to the policy, the propriety, or the practicability of introducing it, in its integrity, into this country. It may be, and in a measure is, the object of England to provide useful and moral colonists for the immense tracts of waste land in the New World of Australia; but while we have no such object here, we may, and ought to desire to see the Natives of India useful and moral citizens in their own country.

It is curious to see, from the Appendix to the Report, how very little the subject of classification is attended to in our Indian Goals. The reply of the officer in charge of the Russipuglah and Alipore Goal, to the question, "are the prisoners at all classified—and if so, to what extent," was simply, "there is no classification in either of the Goals under

' my charge ;" and the answers of the other officers consulted, may be summed up in the same words. Regulation IX. of 1793 requires, that the Prisoners in a Goal should be divided into five classes, according to the length of the term of imprisonment to which they are sentenced ; but even this, slight though it be, is not universally adopted. Females are always separated from the others, and debtors are confined in the Civil Goal, which is generally nothing else than a Ward in the Criminal Goal ; beyond this, however, there cannot be said to be any real classification in our Gaols. Accused persons are not always separated from those who have been convicted, neither are those who are not sentenced to labor, always kept away from those who are so sentenced. The Committee think that " Classification to be of any material use must be carried at least so far, as to separate absolutely, by day and by night, and whether in Goal, or in working parties out of Goal, the following description of Prisoners :—"

" 1st. Accused persons suspected of being thugs."

" 2d. Males accused of the more heinous crimes against person or property ; such as Murder, Rape, Robbery, House-breaking, or attempts to commit such crimes."

" 3d. Males accused of simple theft, receiving stolen goods, perjury, forgery, fraud, and similar offences, or of conspiracy to commit offences of this nature."

" 4th. Males accused of affray, assault, and offences which are commonly described as ordinary misdemeanors."

" 5th to 8th. Males convicted of the above-mentioned offences respectively."

" 9th and 10th. Accused and convicted females."—*Para. 42.*

Debtors, the Committee say, should be confined in a distinct Gaol, and besides the ten separate classes mentioned above, the Committee add, that " every Gaol ought to have a sufficient number of small apartments in which persons accused or convicted of murder, and certain other atrocious offences, can be confined alone." To carry through the recommendations upon this point alone, therefore, it would be necessary to have twelve or fourteen distinct Wards in each Gaol, many of which would probably be unoccupied during a great part of the year ; for one-half of the separate Wards are for unconvicted persons, most of whom would generally be removed to a convicted ward within a few days, and the aggregate of whom is seldom more than one twentieth part of the whole number in the Prison. The Committee, sensible of this difficulty, say that they " find it impossible to offer any very definite and practical recommendation on the subject of classification ;" and that, in case it

be not determined to build Central Penitentiaries, they think the présent Gaols should be improved as much as possible, by making as many Wards as are consistent with proper ventilation. That a certain degree of classification is desirable, nay absolutely necessary, is unquestionable; but we think that this is carried in the Report before us much too far; and the subject has given rise to Minutes from some of the members of the Committee, in which the point is argued with tedious minuteness. At no time is, what we may call, gregarious classification, in our opinion, a matter of vital importance; but when carried to the extreme, to which it is by some required, it becomes little less than absurd. The true classification is entire separation; one individual in each cell. The principle to be kept in view in classification is, to guard the morals of the Prisoner from being contaminated by others, or from contaminating others—the only way to carry this principle into thorough and complete effect, is to separate each individual from his neighbour; because, as Mr. Livingstone has truly said in the introduction to his code, “even when the class is reduced to two, one of  
 ‘ them will generally be found qualified to corrupt the  
 ‘ other; and if the rare case should occur, of two persons  
 ‘ who had arrived at the precise same point of depravity, and the rarer circumstance of the keeper’s discernment  
 ‘ being successfully employed in associating them, their approximation would increase the common stock of guilt.” A classification such as we have in India, that is, classification according to sentences, is, to speak the truth, of no use whatever—the crimes of two persons may be identical, but the morals of the one may be very far better than those of the other; the more immoral, therefore, is fully capable of corrupting his companion, and is almost certain to do so. The larger these classes, the more depravity necessarily exists; and the smaller they are, up to individual separation, the better; the limit being simply the expense.

The Government passes over this part of the subject in the resolution of October 1838, with the remark, that “His  
 ‘ Honor in Council does not think it necessary to canvass, at  
 ‘ present, either the views of the Committee, or the general  
 ‘ subject of classification, in detail”—but, it is added, that,  
 “when the consent of the Court of Directors may be obtained,  
 ‘ the new Central Penitentiary will be constructed, and the  
 ‘ district gaols, within the circle to which the Penitentiary  
 ‘ shall belong, will be altered, in such a manner as to admit of  
 ‘ the utmost extent of classification, consistent with other  
 ‘ considerations, such as the general expense of the build-

‘ing and its sufficient security and ventilation.”—We need hardly tell our readers, that these improvements are still in the womb of Time.

(The next proposal of the Committee relates to Treadwheels. If out-door labor is abolished, as it should be, the prisoners must be employed in the Goal, either in trades or in monotonous labor such as the Treadwheel, pounding *súrki*, or the like. The first would be the most economical, as it would probably pay for itself; but there is, they think, a reason, in this country against it, which does not apply to other places; it is the same reason which opposes itself to so many improvements in India, and may be given in one word—*caste*. At Pentonville, in America, Prussia, France, and all other countries, an inmate of a prison may be employed in working as a Tailor or Shoemaker or any other trade; but to compel a high caste Native of this country to work at a trade, would be to disgrace him for ever; to inflict, as the Committee say, a “dreadful punishment not only on himself, but on every member of his family.” This is, we conceive, an unanswerable reason for not employing *all* convicts, indiscriminately, upon trades; but it is no reason, that we can see, why *some* or even *many* should not be so employed.) The Committee, however, came to the opinion, that the “limited employment of Prisoners upon trades, is, in any case unadvisable.” Their reasons are stated in Paras. 242 to 247 of their Report. They object, that, for a trade to be successful, you must interest the mind of the workman; to do this would be to afford him a pleasure, and consequently to diminish the pain of punishment. Again they argue, that if, following the practice of other countries, you give prisoners good instruction, and teach them trades, you enable them to surpass honest workmen; and in such a case, the only chance for the honest man would be, to turn rogue, in order that he might be instructed at the national cost. Thus, say they, “It would very soon be discovered that going to Goal would be the first step to fortune.”

We confess we are unable to appreciate the reasons here given by the Committee. Here we find one of the paradoxes which disfigure this otherwise very able report, and which we fear must have rendered the suggestions contained in it of so little practical value. If we find an excellent way of employing prisoners, which shall not undersell the honest laborer, and which, at the same time, diminishes the cost of our prisons, are we to be deterred from carrying it out, because it “interests the mind of the Handicraftsman, and makes him feel, from one cause or another, pleasure in success?”



Are we to deny the State, the right of being reimbursed some part of the heavy expenses now incurred in keeping up prisons, and the convict himself the newly acquired means of gaining an honest livelihood when he leaves the Gaol, because of the remote contingency, that "some honest and industrious workmen, who have never committed any offence, may be completely surpassed by the liberated convicts." On the contrary, we think with M. M. de Beaumont and de Tocqueville, that "Labor is not only salutary because it is opposed to idleness, but it is also contemplated that the Convict whilst he is at work, shall have a business which shall support him when he leaves the prison." We must be allowed to differ altogether, therefore, from the arguments of the Committee on this point; but although we think it quite unobjectionable to employ convicts on Trades, we believe that much care should be taken that the honest workman is not undersold. It must be remembered that the free workman cannot get on without a *profit*, which the Prison workman does not require. The object of the first is to *gain* as much as he can, that of the last to *lose as little* as he can. Again, the Capital of the free workman is limited, that of the Prisoner is not. Great care, therefore, and much and constant enquiry is desirable on this point, and for this purpose, if for no other, there is much need for an Inspector of Prisons, a part of the subject upon which we shall have to remark hereafter. A good deal of judgment, and a considerable knowledge of the state of the markets, is required to check this; as long as the price of the article is high, as long as it leaves a good fair profit to the manufacturer, so long the competition of prison labor will not do harm, but, on the contrary, will do much good. It is to the interest of all nations that production should increase, because prices will fall and the consumer gains: but the moment prices have sunk to their lowest, the moment that the manufacture of any article ceases to afford the honest workman a fair profit, the pressure upon the market should be relieved by the withdrawal of the prison labor or by its transfer to some other branch of trade. It has frequently happened in England that Gaol manufactures have been stopped on this account, and recourse had to the Treadwheel, which, when required, gives work without producing,—and it is particularly stated in the accounts of the Pentonville Prison that instances have frequently occurred of large sales having been refused, at prices which would have given a very fair profit, because the prices offered were below the regular market value.

Labor on the treadwheel, the Committee say, is subject to

none of the objections which they find to Labor at trades. " Whenever it has been used in India it has produced the best effects, and demonstrated that there is nothing in the Indian constitution or climate, which makes its use in this country objectionable. It is extremely dreaded, and it produces no permanent ill consequence, moral or physical.

We are of opinion that both trades and Treadwheels should be adopted as extensively as possible in our Gaols. The latter, when in use, should be of the simplest and plainest construction, without any complicated machinery at first; when they have been in use for some time and when the prisoners have got accustomed to them, additional wheels and cranks might be added, so as to turn the work to some use; such as grinding corn, pressing oil, &c.: but at first, if the machinery is at all liable to be deranged, the prisoners will find out how this is to be managed, and will injure it purposely. A Treadwheel has been in use in the Calcutta House of Correction for some time, and we learn that it has been quite successful.

The next recommendation of the Committee was with reference to the food of Prisoners. " It appears quite certain," they say, " that all over this Presidency, the Prisoners fare better, and more fully, than the Agricultural laborers." We believe it to be quite true that there is no punishment or no discomfort which a Prisoner feels more sensibly than what is called, in the phraseology of Lord George Bentinck, " putting on the muzzle."

We hear periodical complaints of sickness in Goals. Is this much to be wondered at when prisoners, from coarse and stinted fare, are at once put upon a rich and plentiful diet? *Ut sis nocte levis, sit tibi cæna brevis*—is a maxim but little attended to in our Gaols. The food given to prisoners should be sufficient to keep them in health, but no more; it should be of the coarsest and plainest description; instead of this, however, the rice or wheat which is given in our prisons, is of the finest quality, and such as nine-tenths of the prisoners never tasted in their lives till they became inmates of the Gaol. This fact is notorious to all who have any acquaintance with the subject in this Country; and we should pass it over, assuming that its existence was unquestioned, but that some who may chance to light upon this Review, might not be satisfied on the subject without further proof. The twelfth question addressed by the Prison Discipline Committee to the officers in charge of Gaols in this country, was to the following effect:—

" Are Prisoners, both those under sentence, and others, supplied with rations in your Gaol, or with an allowance in money? What is the nature and quantity of the rations, or the

‘ amount of the allowance in money given to each Prisoner  
 ‘ per diem, and what are the facilities provided for his obtain-  
 ‘ ing food when working in or out of Gaol? What is the  
 ‘ nature and quantity of the food daily eaten by a laborer  
 ‘ in full work in your Province, or how much does such a man  
 ‘ spend in money, on his own daily food? Money spent in  
 ‘ food, &c. for his family, must of course not be included in  
 ‘ the reply to the above question.”

From a large collection of replies, all nearly to the same effect, we select one or two as specimens. Mr. Samuells, the Magistrate of Húgly, declared that as far as regards food they (the Prisoners) are rather better off than the generality of free laborers in these provinces. He then gives a table showing the quantity of food which an able bodied man is capable of consuming, and adds, “this is always, it is to be observed, within the reach of the convict, while with the common day laborer it is a matter of uncertainty whether he can procure it or not. In place of vegetable the laborer (I speak of the poorest class) not unfrequently makes use of a weed which floats upon the surface of the tank, and his wood is collected from the nearest jungle, whilst every article which he eats is of the coarsest description. The prisoner is thus I conceive in many instances better off than a large proportion of the laboring population.” The Hon’ble Mr. J. Thomason, then, eight years ago only, the Magistrate of Azimghur, but now the Lieut. Governor of the North West Provinces, says, “Two years ago I entered  
 ‘ into a calculation which went to show that a Prisoner’s con-  
 ‘ dition is superior to that of the lower ranks of common  
 ‘ laborers, who, on an average, do not earn more than four pice  
 ‘ a day, out of which they have mainly to supply themselves  
 ‘ and family with food, clothes, and lodging. Their food is  
 ‘ inferior in quality and generally small in quantity, whilst the  
 ‘ Prisoners use the best wheaten flour; many of them enjoy the  
 ‘ use of tobacco; they quickly become sleek and fat in Jail,  
 ‘ and after purchasing their food, salt, firewood, &c. there is  
 ‘ every reason to believe that they can save from their allow-  
 ‘ ance, as those Prisoners who for any breach of Jail disci-  
 ‘ pline, are reduced to three pice a day, appear to be able to  
 ‘ live on as much as usual; and I have known an instance of a  
 ‘ Prisoner’s mother being killed in a dispute relative to an iron  
 ‘ pot which he had purchased out of his savings and sent home  
 to his family.” This would seem sufficient for our purpose, but we cannot deny ourselves the pleasure of quoting one more example to show, that this high and luxurious mode of feeding Prisoners is not confined to Bengal and Agra, but that it exists also at

Madras—Mr. E. P. Thomson who was, at the time these returns were made, Criminal Judge of Canara, but who is now, we believe, the Chief Secretary to the Government at Madras, says, “Taking the average of laborers, I should say a Prisoner in Jail was as well off in respect to food as a laborer in good employ—better than others whose work is precarious—and infinitely superior to those who are unable from idleness or bodily infirmity to gain a full day’s hire.”

Who after reading these opinions, which are only a few out of some scores, can accuse us of exaggeration when we say that the end of punishment in India is, in effect, to incite, and not to deter, persons from committing crimes?

After stating their opinion that a Prisoner, “instead of living like the mass of his class out of Gaol, enjoys the food of a Sepoy, or a well fed domestic servant—the difference between potatoes and a diet of butcher’s meat being scarcely greater,”—the Committee say they are “very strongly impressed with the inexpediency of giving convicted prisoners any money allowance at all. The inquiries which we have made have convinced us not only of the advantages of a system of Rations, but of the perfect feasibility of carrying such a system strictly into execution, so as to withhold the smallest piece of money from a Prisoner from the date of his sentence to that of his liberation”—*Para. 59.*

(Connected with this part of the subject the Committee recommend, *Para. 69*, “that no convicted prisoner be hereafter allowed to cook his own victuals; but that a Brahman and Musalman cook be provided for each Gaol.”) The reason for this great and radical change, which has caused so much bloodshed, and the propriety of which has been so much canvassed, is contained in the following Paragraph:—

“The cooking of his dinner is, we believe, one of the greatest enjoyments of every individual amongst the lower orders in India, even when at liberty, and consequently, this long operation must be the chief alleviation of the tedium of a Prisoner’s life. The privation of the enjoyment appears to us one of the most legitimate means of enhancing the effect of imprisonment, as it conduces neither to a Prisoner’s health, nor to the improvement of his character. We have little doubt that the absence of the two pleasures of marketing and cooking would add materially to the severity of the punishment of imprisonment, and so make it possible to reduce proportionally the term of imprisonment, without taking away from the efficacy of the punishment.”—*Para. 70.*

It will be seen that the Committee desired that there should be "a Brahman and a Musalman cook for each Gaol," and that these cooks should not be convicts but persons hired and paid for the purpose. We can hardly suppose that the Committee could have thought, that two cooks would be sufficient for a Gaol containing, for instance as at Gya, 1400 Convicts; but, however this may be, we are satisfied they never contemplated the opposition which their cooking system would give rise to, nor the objections, of a valid nature too, we think, which would be raised to it; had they ever thought of this, they would, doubtless, have made more inquiry into the matter, and have devoted more of their attention to it. No persons whatever appear to have been consulted on the point. A Circular containing nineteen questions was circulated by the Committee, and opinions invited; but in this, not a word is mentioned of the messing and cooking system. The officers in charge of Gaols were questioned as to the propriety of the abolition of out-door labor, and the substitution of work within the Gaols—as to treadwheels—as to classification—as to solitary confinement—as to working in perfect silence—as to improving the moral characters of the Prisoners under their charge—as to furnishing Rations instead of a money allowance—as to privation of food as a punishment—as to prohibiting all indulgences, &c. &c. &c. but there is no question asked as to the propriety of prohibiting cooking. The only question which can in any way be supposed to bear upon this point, is the one as to "indulgences;" but we do not find, on looking over the replies to the 15th Query, that any of the officers considered the cooking his own meal by the Prisoner, one of the "indulgences" regarding which inquiry was made. Every other point contained in the Report was inquired into with laborious minuteness, and has furnished the subject of paragraphs and pages, but this one, which was dismissed with two short Paragraphs and with no questions asked.

The Public in general are too apt to mistake and confound the Ration and the Messing system. The two are very generally spoken of as one, under the first appellation; but they are two very distinct and very different things. The distributing Rations to Prisoners, in place of giving them money to buy food with, is in every point of view quite unobjectionable; no prejudices of caste are violated, and an illegitimate and improper traffic, which is too often made the means of bribing the Gaol Guards, is put a stop to. The Committee, in Para. 60 of their Report, give five reasons for

proposing the discontinuance of the money system and the introduction of Rations:

1st. That money may be hoarded and sent to the Prisoner's friends or used in bribing the Guards.

2nd. That it affords the Prisoner the pleasure of marketing, which is opposed to all right views of Prison Discipline.

3rd. That it allows him to supply himself with savory food, and indulgences which is an evil.

4th. That it assimilates too nearly to the payment of wages to honest work-people to be a suitable way of maintaining convicts.

5th. That as long as it exists, you cannot prevent convicts in good circumstances from obtaining money from their friends and spending it in bribery and luxuries.

All of these reasons carry more or less weight with them: the first alone was quite sufficient, we think, to call for an immediate change. We have given the five reasons at length, however, because the Committee say that they recommend the Messing and Cooking system, "for similar reasons." Para. 69. Now our readers will remark, if they examine the subject attentively, that the five reasons given for abolishing the money system can, by no ingenuity, be made to apply to the Cooking system; substitute the word, cooking, or messing, for money in those reasons, and they have no sense—the only reason for introducing the messing system is that given in Para. 70, which we have quoted at length; to wit, that it was a "pleasure and an alleviation of 'the tedium of a Prisoner's life.'" The statement therefore that the Committee recommended the hired cooks and messing system "for similar reasons" to those which induced them to desire the abolition of the money allowance system, displays such a looseness of argument and such a thoughtless and inconsequential style of reasoning—qualities which are diametrically opposed to every other part of the very able Report under review—that we can scarcely think the two Paragraphs, 69 and 70, owe their parentage to the vigorous intellect of the author or authors of the rest of the Report. They bear the impress of haste, the character of slovenliness about them, so evidently, as to warrant the assumption that they were inserted into the paper after the draft had been made, and that they could not have undergone the scrutiny of the many able men who sat upon the Prison Discipline Committee.

And yet it is these two paragraphs, short and meagre though they be, which have caused so much bloodshed—so much opposition to the whole system—so much rebellion. The

Government resolution in remarking upon this is equally meagre and unsatisfactory—it simply says, “For the reasons stated by the Committee, the President in Council is of opinion, that the plan which they recommend, in Paragraphs 68 and 69, should be immediately and strictly acted upon throughout all the Presidencies, and that for the first year or two, half yearly Reports of the results, both as regards the health of the Prisoners, and expense, should be rendered, through the local Governments, in a condensed tabular form to the Supreme Council.”—*Para. 38.* It will be observed that even here the only two points alluded to are the “health of the Prisoners and the expense” of engaging hired cooks, &c. Nothing is said about the prejudices of caste; it never seems to have struck any one that it was in the cooking and messing, and not in the ration part of the question, that the shoe would pinch.

That the messing system has given rise to disturbances of a most serious and fatal nature is familiar to our readers, but we have no returns by us which will show the precise number of these casualties. (The first attempt of the Government to enforce the messing system was made in 1841.\*)

In the month of June 1842, the first organized opposition to the measure showed itself in the Gaol at Chuprah. It seems, from the *Friend of India* newspaper of the 2nd of August of that year, that there were at the time 620 Prisoners in the Gaol, and that they had been divided into fifty-two messes, with a separate cook attached to each. We would remark here, en passant, how different this system of having one-twelfth of the entire Gaol spared all labor, and employed in the “pleasant occupation,” as it called by the Committee of cooking is, from the plan proposed by the Committee themselves: they proposed, as we have seen, to have “one Musalman and one Brahman cook for each Gaol.” In this case however the cooks, doubtless stimulated by the other Prisoners, were the first to rebel. “On the morning of the 10th June, Mr. Wilkins was informed that all the cooks, with the exception of two, had refused to work—on ten of the recusants he inflicted corporal punishment. They were all men of high caste, who, notwithstanding the whipping, refused to the last to cook; the

\* The messing system was enforced under a circular of Nizamut Adalat, dated the 9th of July 1841; which declared, that all the prisoners in each criminal Gaol—those under examination or committed to the sessions only excepted—should be formed into messes consisting of 20 men each, and that one cook should be allowed for that number. In June 1843, a farther order was issued that two meals should be daily given to all Prisoners under the Ration system.)

‘rest pretended submission.” The account then proceeds to the effect that the Prisoners rose en masse, but that, fortunately, the outer gate was shut upon them, and they were not able to break the Gaol: that 3,000 or 4,000 of the town’s people collected outside to assist the Prisoners, and that the Magistrate, the Judge, and the Collector whilst proceeding through the crowd were saluted with clods of earth and abuse—that the Magistrate “dropped a hint that he would suspend the enforcement of the order for messing till a reference could be made to the Sadar Court, and that he would forward any reasons which the Prisoners might have to urge against it,” and that in consequence, the disturbance ceased. The Sadar Court, in reporting the matter to Government, suggested the propriety of enforcing the orders by all means, and at all hazards. Mr. Wilkins, on the contrary, thought that the feelings of repugnance which the Prisoners had manifested to the messing system were sincere and genuine, and that no force or punishment would induce them to violate their prejudices; that if the rules were to be enforced, it would be necessary to call in military aid, and that the orders could not, under any circumstances, be executed without force. The Government, most sensibly in our opinion, told the Court that the messing rules were not intended as a punishment; but as an improvement in Gaol discipline; that the Prisoners should rather be drawn into, than forced to, adopt them; and that any recourse to military force was, therefore, quite foreign to the original design of the rules.

Since 1842 there have been several other disturbances in the Bengal Gaols, all of them arising out of these messing rules; and there are good grounds for supposing, that attempts have been successfully made, in more instances than one, to mix up the Sepoys of some of our Native Regiments in the matter. The last occasion of a disturbance in the Bengal Provinces was that which took place in the Behar Gaol in September 1845; for this offence sixteen persons were tried in January last by the Court of Sadar Nizamut; one of whom was sentenced to transportation for life, and the other fifteen to transportation for fourteen years. Upon their trial it came out that the riot was caused by the “Magistrate’s attempt to carry out the messing system in accordance with the orders of Government”—that the Prisoners expressed no disinclination to eat together, but suddenly rose upon the authorities—that they disarmed the guards and wounded the Gaolers—that the Magistrate had to fly to save his life—that the sepoy guard was



called out—had to fire twice upon the Prisoners, and ultimately drove them back at the point of the bayonet into their wards—that the military were then called in, but did not arrive until five days after the disturbance—during the whole of which time the Prisoners held out against the constituted authorities, the Gaol being in a state of siege all this time, with the doors barricaded, so that neither ingress nor egress was practicable. When the military arrived, the Magistrate proceeded at their head into the Gaol, where, says the Report of the trial, “some dead bodies were found, and a few more Prisoners wounded—making the total number of casualties amount to eighteen.” Within the present year an *emeute* has taken place in the Allahabad Gaol, in which, in believe, four Prisoners were shot dead, and fifteen others seriously wounded.

Such are the facts which we, with the most scanty means at our disposal, and from recollection, can bring to bear upon this part of the question; but we think it is the duty of Government to call for returns, from each Gaol in India, of the number of persons who have been killed and wounded, and also those who have been flogged, for offences connected with this messing system; the question might then be fairly discussed whether the keeping up of this system of messing and cooking, was worthy of being purchased at so much blood. The only argument of any value in its favor is that given by the Committee; namely, that it is a “pleasure, an alleviation of the tedium of a Prisoner’s life.” But for the sake of depriving them of this pleasure, are we to wade through blood—are we to run the risk of corrupting the fidelity of our Native Army—are we to cause ourselves to be looked upon as a set of tyrants—as the poor man’s persecutor?—Let our readers ask any respectable native the question, and they will see that no man, be he who he may, and however highly educated and intelligent, can understand the reasoning by which we arrive at the conclusion, that to alleviate the tedium of a Prisoner’s life by allowing him to continue to perform for himself a duty which can hardly be called—so bound up with his existence has it always been—a pleasure is opposed to all proper and correct views of Prison Discipline; and we confess, when it is carried to the extreme, noted in the present instance, it is a point upon which we think there may very fairly be two opinions. (What would the Committee think of the Pentonville system, and that adopted in the American Separate prisons? does not shoe-making and tailoring—does not taking exercise and learning to read and to calculate, alleviate the “tedium of the Prisoner’s life?”) Nay, it is one of

the objects aimed at under the modern system. It is said "that the tedium and ennui of inaction and seclusion, 'make him, (the Prisoner), fly to labour as a resource from 'the pain of doing nothing;" and De Tocqueville remarks "It would be inaccurate to say, that labor is imposed—we may 'say with more justice that the favor of labor is granted." Again he says "they speak of labor with a kind of gratitude 'and express the idea that, without the relief of constant occupation, life would be insupportable." Surely then this is a "pleasure which alleviates the tedium of a Prisoner's life;" but would the Committee therefore do away with it?

The question is, Is cooking a legitimate employment for a Prisoner? If we had had any doubts as to answering this question in the affirmative in the year 1838, we conceive that subsequent events have undeniably demonstrated that it should now be so answered. But we are amongst those who would never have deprived the Prisoner of this pleasure, if so it can be called; and we cannot but think it was a straining of the otherwise sound maxim that "Prisoners should be denied all luxuries," which gave rise to the opinion upon which the recommendation regarding the messing system was based. Our limits prevent our pursuing this subject any farther. We should be very glad to find the Government calling for returns from all the Gaols in India of the number of deaths and punishments which can be traced to the messing system; and when they have these before them, we think the matter might very properly be reconsidered, and the question asked, whether the enforcement of the system had not been too dearly purchased?

The Committee's proposal was, to have hired cooks; the present system, therefore, of having one-twelfth of the Prisoners (as in the Chuprah case) exempted from the labor to which they have been sentenced, and occupied in the pleasant task of cooking, cannot be fairly called the Committee's plan at all; and the question we should desire to see reconsidered is, therefore, whether the exempting this large number of Prisoners from the punishment to which they have been sentenced,—added to the bloodshed, butchery, and brutality to which the enforcement of the system has given rise,—be not a greater evil than the allowing each convict the pleasure of sitting beside his cooking pot and preparing his own meal to his own taste? We are strongly inclined to the opinion that it would be politic and proper to return to the old plan—food, not money to buy it, being given to him for the purpose; and we much fear that

unless this be adopted, the Allahabad disturbance will not be the last scene of the kind which will occur, nor the Behar Magistrate the last functionary who will have to take to his heels to save his life; for the Messing system is a perpetual blister, an irritating ulcer, which time will not heal, nor years serve to assuage. If it be said that it is too late now to give it up; that we are too deeply involved in the principle to forego it now—that any change will be attributed to timidity and vacillation, we reply: Be it so; if it is an error there is a certain manliness in avowing it; but to prevent the malcontents from benefitting by their rebellious acts which have caused the loss of so many lives, the messing might be abolished, and the old plan returned to, only in those Gaols, and towards those Prisoners, who quietly submitted to the Cooking system when it was first introduced.

We must bring this already too long article to a conclusion, though there is still much to comment upon, of a very interesting nature. We believe we have reviewed the most prominent parts of the Committee's Report, and the minor matters,—relating to the proper description of fetters to be used—the better treatment of untried persons—the exclusion of visitors, &c. &c. although all of importance,—must, for the present at least, be passed over. But there are two more subjects which require notice before we close our remarks—we mean the building of Penitentiaries and the appointment of Inspectors of Prisons.)

On the first point the Committee recommend that Central Penitentiaries should be built, one to every six or eight districts, and that all persons who are sentenced to imprisonment, with hard labor for more than one year, should be sent to them. This recommendation has been acted upon only in the Calcutta House of Correction, we believe, where Wards have been added according to the plan of the Committee. We think we are correct in saying that the cost of the erection of these Wards has been more than covered by the labor of the Prisoners. At Patna a wall has been built capable of containing a Penitentiary on the Committee's plan; but Wards on that plan have only been built for 120 Prisoners at a cost of Rs. 38,698. The estimate for the complete Penitentiary for 2,000 Prisoners was Rs. 3,16,890, and the magnitude of the sum was, unfortunately, sufficient to deter the Government from undertaking it. The expense here was, it will be seen, less than 160 Rs. per cell; the Pentonville Prison cells cost, as we have noticed, the same number of Pounds Sterling.

*Ten* Penitentiaries here, therefore, would not cost more than *one* in England—and yet the cry is, “we cannot afford it.” Another Penitentiary was to have been built at Kishnaghur—the materials were all collected but the works have been stopped—why? Because “we cannot afford it!”

In Para. 298 of their Report, the Committee propose “the appointment of an Inspector of prisons over a certain number of sets of districts. We think there should be one such officer, at least, for the provinces under the jurisdiction of each Local Government. This officer should be constantly visiting the Gaols under him, and be in confidential communication with every Magistrate in his province, and with the Government. The appointment of officers of this description in England has lately been made, and it is there deemed a matter of great importance. We consider such officers at least equally necessary in India, in order to secure the good and uniform working of any general system of Prison Discipline. The keeper of every Gaol will of course be superintended by the District Magistrate by whom each Gaol might be visited frequently and unexpectedly; but both the Keepers and the Magistrates, as far the Gaols and Penitentiaries are concerned, ought to be subject to the control of the Inspector. Such an officer, besides being essentially necessary to ensure the goodness of any general system of Prison Discipline, might, we think, be of use to the Police, from the knowledge of the people of the worst character spread over a large tract of country, which he ought to acquire in his tours, and this not the less effectually because he would have no police powers himself. We think, therefore, that these officers ought to be selected from amongst the most zealous and intelligent Magistrates and Joint Magistrates.”

We need hardly say that we quite concur in these remarks and in this recommendation—any improvement which is to take place in Prison Discipline should be uniform—the same system, the same reforms should exist in all Gaols, unless when local circumstances render necessary any deviation. Without this, you leave all to the character and temper of the Magistrate or person in charge of the Gaol. One man is strict and severe—his neighbour lax and indulgent; but, besides being contrary to all correct notions of Prison Discipline, this want of uniformity may be almost stigmatized as illegal—for one criminal is severely, and the other laxly, punished; though perhaps, their offences were identical, and their sentences similar. At

the time the Committee was sitting, Gaols were under the charge, as now, of Magistrates, whose proceedings in all matters regarding them were subject to the direct supervision of the Judge. An act was passed in 1844, however, which took away all power of interference from the Judges; and at the present moment, Magistrates are subject only to the direct controul of the Government; and, necessarily, the supervision must be rather slack. There is no one whose exclusive business it is to look after the management of Gaols, and there can be little doubt that the system suffers in consequence—it is true certain periodical reports are required, but the stringency of management, which, it may be supposed, such reports generate, may be entirely defeated. One statement, which we have seen, gives the different description of work upon which the convicts have been employed on the last day of each six months; and it is supposed that this will afford a good general notion, of the way in which they are *always* employed; but it is clear, that, if a Magistrate chose to do so, he might employ the convicts in his own garden for every day of the six months, except the last; nor is there any one to check this at the place; the power to do so having been expressly taken away from the Judges, the Superintendent of Police, and the Sadar Nizamut Adalat. We do not say that such a case as this ever has been known, or is likely to occur; far otherwise we hope; only it is *possible*, under the present system, and would *not* be so, if a good Inspector of Prisons were appointed, whose duty it was to see to such things, and to such things only.\*

Those of our readers, who have accompanied as through these remarks—in whose eyes the dryness inseparable from the subject will, we trust, excuse in a measure the tediousness of our article,—will have observed, how much yet remains to be done before we can claim to be put on a par with other countries in regard to improvements in Prison Discipline. But there is plenty of time before us; every year adds to our knowledge, and every year exhibits successful experiments on the subject. Let us not too hastily blame the Local Government for its tardiness; let us remember what events have occurred in the History of India since the Prison Dis-

\* An Inspector of Prisons was appointed, nearly two years ago, for the North West Provinces, and why, we ask, is not a similar appointment made for the Presidency of Bengal? we will not venture a solution of this question, we will only hope that it will not be long, ere we shall see the "most zealous and intelligent Magistrate" in these Provinces, nominated Inspector of Prisons in Bengal. Till this takes place, no reforms can be carried out, no improvements expected, no change for the better hoped for.

cipline Committee wrote the Report, which we have been reviewing. Eight more eventful years have not passed, since our first occupation of the country. Our armies have been marching through the length and breadth of the land. We have taken Affghanistan, and given it up again—we have taken Sindh, and, would we could say, have given it up again! We have taken Gwalior—we have taken Lahore—we have fought battles, the narration of which, may well make the heart beat quick, and the cheek flush with pride—we have poured out oceans of blood and lavished whole mines of treasure—and, in the midst of such exciting scenes, who can call the Indian Autocrat apathetic, because he has forgotten the claims of the felon and the out-caste? Is it not natural that he, who has at his beck the imposing pageantry of an army, and such an army as ours, should throw aside the “Report of the Prison Discipline Committee of Calcutta,” and devote himself, heart and soul, to the “pomp and circumstance of glorious war?” But those days are no more—they form a portion of the past; let us hope that some of Lord Hardinge’s valuable time may now be devoted to the improvement of our Prisons; and that some of his leisure thoughts may, ere long, be given to a subject which formed so prominent a feature in the lives of such of his countrymen as John Howard, Jeremy Bentham, Wilberforce, and Romilly.

---

ART. V.—1. *The Poetical Works of James Beattie, L. L. D. and William Collins.* London, 1823.

2. *Campbell's Specimens of the British Poets: with Biographical and Critical Notices, &c.* London, 1841.

LOOKING at the names of the authors which appear at the head of this article, some of our readers may wonder what connection any of them can possibly have with the chosen sphere of our lucubrations. India is our grand and peculiar field for investigation and research—but not our *exclusive* field. Our original design had reference to the Eastern Hemisphere generally—including the continent of Asia with its magnificent retinue of islands, and any region besides, such as the Cape of Good Hope, which may claim or maintain any special relationship with India. It is true, in point of fact, that hitherto little comparatively has been done for other than Indian realms, Indian themes, and Indian interests. But, as time rolls on, another and another exemplification will be found, drawn from many a prolific source, of the comprehensiveness of our original and still unaltered purpose.

Subjects, calling for grave discussion—subjects, bearing on the development of our national resources and the progress and welfare of society around us, are those which more appropriately fall in with our predominant design, and tend to further the realization of our leading object. But our desire, at the same time, is, as far as practicable, to mingle the *dulce* with the *utile*,—leaving the snarling cynics who sometimes mutter cadaverous sounds from the usurped chair of criticism to croak away to the tune of their own misanthropy. It is this desire to temper the severity of grave discussion with the amenity of musings of a lighter kind, which prompted us to turn to the ever-pleasing theme of *Pætry*. And in doing so, our memory seemed spontaneously to revert to an author, whose poetic treatment of Oriental personages and Oriental scenes, once greatly interested us, in days of yore—when youthful fancy, fresh and sparkling as the morn, with its dew drops and glittering radiance, loved to disport itself amid its own unreal visions of the beauty and luxuriance of “the climes of the sun.” In a word, we thought of William Collins—an author, now too generally forgotten; and his *Persian* eclogues—a work, of whose very existence, some of our readers may not be cognizant, and the announcement of which may fall on the ears of others, like the faintly reviving echo of a long vanished dream.

It will now be obvious why the name of Collins appears at

the head of this article. \* That of Beattie is there, merely as a Bookseller's accessory ; in other words, merely because it suited the taste, caprice, or convenience of the Bibliopole to associate the works of Beattie with those of Collins, in a printed volume. But the name of Collins we claim as our own—as rightfully belonging to our own oriental domain ; and the *Oriental* or *Persian* eclogues at once establish the legitimacy of the claim.

There is something delightful, in a mere literary point of view, in the very name of *Persia* : a kindred spirit of beauty, and sweetness, and poetry, we immediately associate with it. From childhood we are dazzled, with its highly coloured glories in the “ Arabian Nights,” with Persian carpets, Persian odours, and, above all, with beautiful and accomplished Persian maids ; then come, in more mature years, Cyrus, Darius, Xerxes, in all the truth, splendour, and magnificence of History : we become still older and wiser, and begin to reflect on the decline and fall of nations, and to enjoy the mighty legacies they have left behind. Persian Poetry was born in a voluptuous region—in a region where the gratification of the senses formed a principal part of the philosophy of life ; in a region where the brightness of high moral civilization had never condescended to shine. And yet the poetry of the Persians abounds in moral sentiments, beautiful maxims, and charitable ideas :—such are the mysteries of human life ! From this very fact, it seems strange to us, that the brilliant and imaginative Rousseau did not consider the ruinous foundation on which he was building his principles—that of *humanising* the world without the aid of Christianity. Fallen nations, degraded human beings, fragments of greatness—given by the charity of nature—we think tend as much as any thing to show the presumption and folly of that gifted mortal of romance and poetry, who, on his death bed, represented to his friends the ruins of the world, and challenged any man to say that he was better than himself.

Persia, as one of the fallen nations, has, in her poetical Literature, bequeathed to us a fair legacy of her own. Greece and Rome—those cradles of human knowledge, science, and beauty—have nothing more simply beautiful of its kind than the sweet strains of Hafiz to the “ lovely maid of Shiraz.” The modern Persians derived their poetical measures from the Arabs, and, according to Sir William Jones, they have nineteen sorts of metre. From the commencement of the ninth century, we may safely date the origin of poetry in Persia, becoming an art ; and laws of prosody being laid down. But before this period, the fine arts appear to have flourished in Persia.



Haroun Alraschid, when Caliph of Arabia, was much addicted to poetry, and took great delight in reducing his art from the mere jingling of rhyme, and cherishing it upon more noble principles. Al-Raschid—as it is sometimes written—flourished in the eighth century; and if we are to place any faith in the “Arabian Nights,” the *Fair Persian*, who lived about this time, is described as being able to play “on all sorts of instruments to perfection,” to dance, to sing, to write “better than the most celebrated authors,” to *understand poetry*, and, in short, every thing that could aid in forming the very perfection of a woman. The comparisons in Arabic and Persian poetry, are similar; chiefly consisting in likenesses to tents, camels, hunting, beautiful animals, bright flowers, with other bright things, all borrowed from a fanciful idea of ever-smiling nature. But the Turkish and Persian poetry is more voluptuous and refined than the Arabic. The Arabic being a branch of the Hebrew language, and the Persian poetry being derived from the Arabic, as well as its dialects—we may with propriety imagine the “Song of Solomon” to be a fair specimen of the origin of the style adopted in Persian poetry: as in part of an ode of Hafiz, translated by Sir William Jones—“I know not why the damsels, tall as cypresses, with black eyes, bright as the moon, have not the colour of love.”

The climate of India, and the nature of the Englishman's life in India, may seem favourable to the delightful study of poetry. With a good library, we can feast upon all the different styles, treasure up all the beautiful ideas, enter with our poet into the realms of Imagination; and in creating little worlds of our own, break the spell of an every-day monotony. As *men of letters*, and in *that* capacity alone we now write, we are happy for the time; temporary happiness, to be sure, is all we can expect on earth; and what will give more permanent delight than the proper appreciation and study of an exquisite piece of poetry? It lifts us above the world: it tells us we were not meant to be always here. What does that man deserve who can form for us such an admirable creation? There is nothing in this world sufficiently good for him.

But the age of poetry, people tell us, is gone! and so we must just find enjoyment, when we seek others besides the great immortals of the age that has now closed upon us, by looking back into the chronicles of Father time; and thereby pause and ponder over the old favourites which delighted us, when we first began the study of poetry. We deny, however, that the age of poetry, in its highest and best sense, as an ema-

nation of some of the nobler constituent elements of human nature, is gone. A peculiar poetical genius of the day is brighter than ever: but, to chime in with the popular opinion, founded on prejudice, and say that it is gone! will perhaps best suit our present purpose. We now hope to give our readers some pleasure, if they will only allow us to guide them over a beautiful tract of country: to this journey our few remarks on the origin and nature of Persian poetry may be considered as prefatory.

We take up a huge volume of British poetry—one edited by an Aikin, a Southey, or a Campbell; and in pouring over the brilliant selections contained in it, we begin to reflect on the various conditions of those men who have given perpetual delight to the world. The poetry creates in us a sympathy for the poet; and if we be writers ourselves, we feel that we cannot repay the pleasure given us better than by causing a halo of our own to shine around his memory. There are three English poets, poets in the highest sense of the word, who have not written much, but all well—Gray, Collins, and Beattie. The first we are early led to admire, through the plaintive beautiful Elegy, written in a Country Church yard; the next, through a magnificent Ode to the Passions; Beattie, through his Minstrel, or the Progress of Genius. Of the three, in our opinion, Collins was the most highly finished off by Dame Nature for the title of poet. There is a delicacy of finish about his works, not surpassed by any of the poets, of his class, in our language. Beattie is more laborious than either Gray or Collins; and we think the Minstrel owes a little of his popularity, to the fact that the progress of Genius was in the “mind’s eye” of Lord Byron, when he drew Childe Harold. The impulse of Beattie’s genius seems to have been but momentary: his poetical muse was not constant to him. No one can fail to remark in reading Childe Harold, how quickly Lord Byron breaks away from the shackles of imitation, allowing even that he did take lessons from Thomson, Ariosto, or Beattie. We think the whole of the admirable beauties of Beattie’s Minstrel are comprised in the first fifteen stanzas. The genius of Collins expands equally throughout. It is to this latter poet, as our readers will have observed, we intend to devote our chief attention.

London, the nurse of poverty and genius, received William Collins, as an object of her charity, in the year 1744—seven years after Samuel Johnson, and the English Roscius, Garrick, had settled themselves in the Queen of cities. Like the great moralist, and the great player, in fact like most poets who

shine in Biography, he came to London with “more literary projects in his head, than money in his pocket.” Like poor Savage, his dinner was a complete uncertainty; and a bailiff prowling around him, was ever in his thoughts; this was the more melancholy in Collins; for we cannot discover from any of his biographers, that, like the “Wanderer,” he was a man whose misfortunes were brought on mainly through his own misconduct. Collins appears to have been the child of misfortune; but in the midst of his misery, he would sometimes take a philosophical glance at the sunny side of life. His genius was “essentially honest.” Possessed, by Nature, with a rich imagination, and extensive faculties of creation—combined with an extreme love of the marvellous and the passionate—as well as the homely and pathetic—his works abound as much with those essential qualities, as perhaps the productions of any other poet of his class: and far more, for the bulk, than the majority of English poets. His was a genius well adapted to the passionate Ode, and simple, homely pastoral; two kinds of poetry, which come home to the heart, and infuse a delight there, which only can be known by those who have experienced it. Like Sir Walter Scott or Spenser, Collins had always enjoyed stories of *genii*, fairies, monsters of various description; and all works where human passions, or aught that savoured of humanity, had a “local habitation” assigned to them. But, unlike the two poets we have mentioned, he did not possess the faculty of using his culled stores at length—or probably did not possess the inclination, being what may be termed an idle poet: so, instead of finding his treasures of fancy scattered over a wide expanse, there is a manifest condensation of beauties apparent in all his works; which might have supplied imagery and beauty for at least as much space as six cantos of the Fairy Queen, or the whole of the Lay of the Last Minstrel. Collins, unlike the Author the Lay, did not understand the profuseness of which his genius was capable: had he been spared to a longer term of life than thirty-six years, he might have sounded far longer and more popular lays than his Odes, or his Persian Eclogues. Collins possessed, to an eminent degree, that *inventive genius*, which so characterized Scott, Rousseau, Byron, Mrs. Radcliffe, Monk Lewis, and many others who knew well how to govern a powerful imagination. In the exercise of his imagination, the poet of the passions failed; or, as we have said before, he lavished his stores too redundantly over one fit of study; as a spendthrift would lose a fortune in one night at the gaming table, for the sake of present enjoyment, and on the morrow would repent his want of discrimination. Dr.

Abercrombie,—in his admirable work on the Intellectual powers—in alluding to the wonderful capabilities of a well managed imagination, *i. e.* where it is never made to overstep the bounds which we assign in poetry to the “modesty of nature”—says:—“Avoiding combinations which are grossly at variance with reality, the framer of such a compound may make it superior to any thing that actually occurs. A painter may draw a combination of beauties in a landscape, superior to any thing that is actually known to exist; and a novelist may delineate a more perfect character than is met with in real life. It is remarked by Mr. Stewart, that Milton, in his Garden of Eden, has “created a landscape more perfect, probably, in all its parts, than has ever been realized in nature, and certainly very different from any thing that this country exhibited at the time when he wrote.” “It is a curious remark of Mr. Walpole,” he adds, “that Milton’s Eden is free from the defects of the Old English garden, and is imagined on the same principles which it was reserved for the present age to carry into execution.”

The imagination of Collins was on the whole remarkably adapted to the display of lyrical genius: and his Odes are not surpassed by any in the language. But the poet sought in his heart a more lasting fame than he will ever be honoured with;—so we must rank him in the second class of English poets, for what he has done; and in the first, for what he had the power to do. It is next to impossible that a man like Collins, continually in poverty, and obliged to submit to various degradations, could have always brought in the aid of high moral principle to steer him safely through the realms of imagination; and it is this circumstance, which has nipped in the bud so many of the sons of Genius. We cannot even be so severe with Savage, a man who did not possess much moral principle, when we think of him writing his poetry in the streets, cold and hungry, composing on pieces of paper snatched from a dog-kennel. He might have avoided this degradation: but it is all very well for people, epicures of the good things of this world, to talk of the defects of this man and that man; how would they control their own imaginations, had they no dinner to sit down to? “Imagination is a mental power of extensive influence, and capable of being turned to important purposes in the cultivation of individual character. But to be so, it must be kept under the strict control both of reason and of virtue. If it be allowed to wander at discretion, through scenes of imagined wealth, ambition, frivolity, or pleasure, it tends to withdraw the mind from the important pur-

suits of life, to weaken the habit of attention, and to impair the judgement." The last sentence of these wise remarks by Dr. Abercrombie, in his "Inquiries concerning the Intellectual powers," we are afraid is but too applicable to Collins. The son of a hatter, possessed of a keen genius, struggling for existence:—this complication alone might have prevented him turning his imagination to all the useful purposes of which it was capable. Savage, in the *Wanderer*, thus feelingly describes a poet in his study:—

"A feeble taper, from yon lonesome room,  
Scattering thin rays, just glimmers through the gloom.  
There sits the sapient bard in museful mood,  
And glows impassion'd for his country's good!  
All the bright spirits of the just combin'd  
Inform, refine, and prompt his towering mind!  
He takes the gifted quill from hands divine,  
Around his temples, rays refulgent shine!  
Now rapt! now more than man!—I see him climb,  
To view this speck of earth from worlds sublime!  
I see him now o'er nature's works preside!  
How clear the vision! and the scene how wide!  
Let some a name by adulation raise,  
Or scandal, meaner than a venal praise!  
My muse (he cries) a nobler prospect view!  
Through fancy's wilds some moral's point pursue!  
From dark deception clear drawn truth display,  
As from black chaos rose resplendent day!  
Awake compassion, and bid terror rise!  
Bid humble sorrows strike superior eyes!  
So pamper'd power, unconscious of distress,  
May see, be mov'd, and being mov'd, redress."

These expressive, beautiful lines, come from a man possessed of a calmer imagination than Collins, but, as we said before, from not nearly so upright or so good a man as the poet of the passions. In the last two lines of the above passage, in such expressions as "*pamper'd power*," and "*being mov'd, redress*," we easily observe an allusion to the infamous Countess, who was Savage's unnatural mother. There is something very distressing in all this, but the author of the *Rambler* has done full justice to Savage:—charity will ever revere the name of Johnson for that admirable and successful effort to create, in the most sublime language, a downright honest sympathy for the struggles of genius, in the whirlpool of poverty and distress. Collins had no secret gnawing his very soul, like Savage. During his early struggles, he had merely to contend, like thousands of others, against poverty. In this respect, he may be compared to Goldsmith: but in their imaginations, how the two poets differ! The one, well regulated and always approaching to the natural;—the other, too often, headstrong, loose, and impassioned. Nature, of course, has to do with the planting of our imaginations;—we have to account for the rearing of them. While

Collins was struggling against poverty in London, in the year 1746, he wrote his famous Odes; on which his reputation chiefly rests. Four years previous to this, while a student at Magdalen College, Oxford, he wrote his Oriental Eclogues. He was then twenty-two years of age. He had not begun to struggle violently with the world. His mind at College was, like the surface of a calm clear lake on a summer's evening, unruffled; and from the reflection of the setting sun upon its glassy bosom, beautiful to look upon: but a blast was gathering far away, which was soon to cause the scowl of darkness and turbulence, lightning and madness, to overshadow and destroy that quiet scene. Luckily it did not come before he gave to the world his Persian Eclogues. The Pastoral can only shine from the poet, of naturally quiet, or subdued emotions: and especially that relating to the lands of the sun. But since we are writing about the genius of Collins, we are bound to give our readers a just idea of its comprehensive and intrinsic nature; so, previous, to our opinion and specimens of the Oriental Eclogues, we shall glance at the beauties of our poet's other works. In our edition, he is coupled with Beattie: the reason we suppose is, his approaching the author of the Minstrel, nearest in style and bulk. We frequently observe a strong resemblance between the works of Beattie and Collins.

Campbell, the illustrious bard of Hope, in his "Specimens of the British Poets," has not given sufficient space to Collins, a poet our noble bard greatly admired. The Edinburgh Reviewers, in 1819, when the first edition of his "Specimens" appeared, remarked this strange omission; when Campbell had paid such a just and admirable tribute to Collins, it would seem natural to exhibit, at least a considerable number of beauties, in the "Specimens;" but, no! It must have been either an oversight, or a piece of literary obstinacy in Campbell: for in looking at the edition of 1841, we find nothing save the *Ode to Evening*, and that *on the popular superstitions of the Highlands of Scotland*: pieces by no means adapted to show the vigour and variety of Collins' genius. We think the omission a perfect mystery; for Campbell says of our poet: His "works will abide comparison with whatever Milton wrote under the age of thirty.\*" If they have rather less exuberant wealth of genius, they exhibit more exquisite touches of pathos. Like Milton, he leads us into the haunted ground of imagination;

\* Most of Milton's minor poems, such as *Comus* and the *Arcades*, were written before the age of thirty.

like him; he has “the rich economy of expression halved with thought, which by single or few words often hints entire pictures to the imagination.” A very elegant volume,—published in 1837, and entitled the “Book of Gems,” poets and artists equally displayed; a book that England might well be proud of,—is more liberal to Collins; for there we find the Ode to Mercy, Ode to Evening, Dirge in Cymbeline, and the beautiful Ode to Simplicity. The Ode to the Passions, had Collins never written any thing else, alone would have stamped him as a true poet. There is something so pleasantly fanciful, and beautifully chaste in every line of it. The passions having a natural affinity to music, crowd around her cell; and take the use of her instruments to suit the strains to their individual natures:—

“ Each, for Madness ruled the hour,  
Would prove his own expressive power.

First Fear, his hand, its skill to try,  
Amid the chords bewilder’d laid,  
And back recoil’d, he knew not why,  
Ev’n at the sound himself had made.

Next Anger rush’d, his eyes on fire,  
In lightnings own’d his secret strings,  
In one rude clash he struck the lyre,  
And swept with hurried hand the strings.

With woeful measures wan Despair—  
Low sullen sounds his grief beguil’d,  
A solemn, strange, and mingled air,  
’Twas sad by fits, by starts ’twas wild.

But thou, O Hope! with eyes so fair,  
What was thy delighted measure?  
Still it whisper’d promised Pleasure,  
And bade the lovely scenes at distance hail!  
Still would her touch the strain prolong,  
And from the rocks, the woods, the vale,  
She call’d on Echo still through all the song;  
And where her sweetest theme she chose,  
A soft responsive voice was heard at every close,  
And Hope enchant’d smil’d, and wav’d her golden hair.”

This is true poetry! Then come the other passions in their turn: Revenge breaking in upon the strain of Hope:—

“ He threw his blood-stain’d sword in thunder down,  
And, with a withering look,  
The war-denouncing trumpet took,  
And blew a blast so loud and dread,  
Were ne’er prophetic sounds so full of woe.”

Pity at his side, with “*her soul-subduing voice*,” has little power over Revenge. Then we have Jealousy, and pale Melancholy,—their natures described with the greatest pathos and beauty: the former courting Love, *now raving, calling on Hate*: the latter

“ With eyes upraised, as one inspired.”

The most delightful is Cheerfulness, the follower of Melancholy. This "nymph of healthiest hue" blew such an "inspiring air," that all the forest smiles :—

" Satyrs and Sylvan boys were seen  
Peeping from forth their alleys green,  
Brown Exercise rejoiced to hear,  
And Sport leapt up, and seized his beechen spear."

We have no doubt but that the most sanguine Indian Hog-hunter will be as much delighted with the two last lines of this example, as ourselves: the whole of the lines about Cheerfulness breathe forth a delicious freshness,—no namby-pamby—all good.

Last of all comes Joy, who, finding "the lively pipe" not lively enough for him, has recourse to the heart-stirring violin :—

" They would have thought who heard the strain,  
They saw in Tempe's vale her native maids,  
Amidst the festal sounding shades,  
To some unwearied minstrel dancing,  
While, as his flying fingers kiss'd the strings,  
Love framed with mirth, a gay fantastic round,  
Loose were her tresses seen, her zone unbound  
And he, amidst his frolic play,  
As if he would the charming air repay,  
Shook thousand odours from his dewy wings."

The famous Duchess of Devonshire has some pretty and fanciful lines about the playfulness of "the little wanton;" but we do not know where in poetry Cupid enters so wantonly as in the above description. The lovely and clever Duchess seems not to have scrupled to take a slight hint or two for her pretty little poem, from the poet of the Passions. In describing how love was born, she says :—

" On kisses fed, and silver drops of dew,  
The little wanton into Cupid grew;  
.....  
Hence joys arose upon the wings of wind,  
And hope presents the lover always kind,  
Despair creates a rival for our fears,  
And tender Pity softens into tears."

But even supposing that the Duchess was indebted to Collins's fanciful imagery for her ideas: we see no harm in it. It always raises the poet in our opinion, when we are sure he wrote before the imagined copyist. It holds forth the power of the poetry on the mind of the reader. Mrs. Barbauld, in her description of the poetical works of Collins, although, throughout, she lavishes praise upon him, nevertheless takes particular care to find out that our poet "is obliged to Milton's Comus for some of his images." This remark is in reference to the Ode to Liberty; and puts us in mind of an eminent



judge admiring the rich colouring and correct drawing of some beautiful painting, and then telling the artist, to his lasting dismay, that he thinks the design is borrowed from Titian. There is something very rich and inconsistent in all this; and it puzzles us amazingly. Burns, it is well known, has the ideas, of the three last verses of Collins' Ode to Evening, in his address to the shade of Thomson: Campbell tells us he had been reading Collins at the time. The ideas were fresh upon Burns's memory. Burns had no more actual need of borrowing from Collins, than had the latter from Milton's Comus. We do not like this trifling with the memory of departed genius: any accusation, from a sensible pen, of borrowing a simile, or a metaphor, or a sentence, against a defunct poet, does him more injury than people are generally aware of; for, without proper reason, it breaks the spell of originality.

The Ode to Evening is deservedly a great favourite; but we do not admire it so ardently as some of the others. It appears to have been one of the most successful of the early attempts, to use a blank verse with the lyric measure. Goldsmith in one of his Essays, pays the following compliment to this Ode by Mr. Collins: "Milton's translation of Horace's Ode to Pyrrha is universally known and generally admired, in our opinion, much above its merit. There is an ode extant without rhyme addressed to *Evening*, by the late Mr. Collins, much more beautiful; and Mr. Warton, with some others, has happily succeeded in divers occasional pieces, that are free of this restraint."

We like the last three stanzas of the Ode to Evening the best: the metaphors are rather too much forced, yet the verses possess much grace and beauty:—

" While Spring shall pour his showers, as oft he wont,  
And bathe thy breathing tresses, meekest Eve!  
While Summer loves to sport  
Beneath thy lingering light:

While sallow Autumn fills thy lap with leaves,  
Or Winter yelling through the troublous air,  
Affrights thy shrinking train,  
And rudely rends thy robes:

So long, regardful of thy quiet rule,  
Shall Fancy, Friendship, Science, smiling Peace,  
Thy greatest influence own,  
And love thy favourite name!"

It was very natural that such pensive strains as these, should have been strongly impressed on the mind of Burns, when writing his "Address to the Shade of Thomson." Metastasio

has a beautiful Ode on *Summer*, which reminds us a little of the above verses. Collins was well versed in the Italian language; and we are glad to be able to assimilate him to such a poet as Metastasio. The first verse of the Italian poet is,—

“ Or che niega i doni suoi  
La slagion de' fiori amica,  
Cinta il crin di bionda spica  
Volge a noi  
L'Eetate il pie.”

Several of our late poets have been very successful in this style of lyric: what can be more beautiful than the following verse, in Southey's Ode to Winter?

“ The green moss shines with icy glare;  
The long grass bends in spearlike form,  
And lovely is the silvery scene  
When faint the sunbeams smile.”

In the Ode to Peace, Collins strikes his lyre with the air of a man who has a kind, gentle heart. Beattie has also an ode on this subject. That of Collins, is as bright and well conceived as a Rubens; Beattie's resembles the dark shade and mystic touch of Salvator Rosa. How applicable are the following lines to India at present: Collins wrote them about a year after “ the —45.”

“ O Peace! thy injured robes up-bind!  
O rise, and leave not one behind  
Of all thy beaming train:  
The British lion, goddess sweet,  
Lies stretched on earth to kiss thy feet,  
And own thy holier reign.

Let others court thy transient smile,  
But come to grace thy western isle,  
By warlike Honour led!  
And, while around her ports rejoice,  
While all her sons adore thy choice,  
With him for ever wed!”

The Ode to Fear is evidently the production of a frenzied imagination. It is a very grand ode; but in the midst of its awful beauties, we are easily led to think of the failings of the poet. In the *Antistrophe* (or part of the Ode to be sung) the style becomes more subdued; and in the last verse he says:—

“ O thou, whose spirit most possess  
The sacred seat of Shakspeare's breast!  
By all that from thy prophet broke,  
In thy divine emotions spoke!  
Hither again thy fury deal,  
Teach me but once like him to feel:  
His cypress wreath my meek decree,  
And I, O Fear, will dwell with thee!”

The Ode to Simplicity is like its name, simple and beautiful :

“ Though taste, though genius bless  
To some divine excess,  
Faint’s the cold work till thou inspire the whole ;  
What each, what all supply,  
May court, may charm the eye,  
Thou, only thou, canst raise the meeting soul !” &c.

We shall now take our farewell of the Odes ; which must be acknowledged to exhibit a strong lyrical genius. There are several others, we might have noticed ; but we are afraid that even now we have exceeded our limits. The character of our poet’s lyric muse may thus be described—“ tinged with melancholy, beautiful imagery, chasteness of sentiment and an exquisite ear for harmony.” Let us now turn to “ the *Oriental* or *Persian* Eclogues, written for the entertainment of the *Ladies of Tauris* ! ”

We shall first say a few words by way of defining Ode, and Eclogue or Pastoral.

The Ode, among the ancients, signified merely a song, any touching piece of poetry set to recitation and music for any grand occasions. In modern days the term Ode has been generally applied to solemn and grand poetical composition, such as those of Pope, Dryden, Collins, and Campbell. The Pastoral is nearly the entire reverse of the Ode : the former sheds a gentle warmth over the heart—the latter, generally a glowing or rapid fire. Johnson defines Pastoral—“ a poem in which any action or passion is represented by its effects upon country life.” In looking back, through the means of History, to the most remote ages, where we endeavour to explore the rise of poetry—we find its chief cultivators, hunters and shepherds. Pastoral life, mixed up with the violent strifes and petty feuds of nations, we may perhaps safely assert was the origin of heroic poetry. The simplicity of the Pastoral leads us back to the simple, nomadic nature of our ancestors ; and causes us to wonder how such taste and simplicity of expression could be used in uncivilized life. The labours of great poets, abound with pastoral description. In the Augustan age of Rome, Virgil wrote his famous Pastorals and the *Æneid* is full of rural life,—the incidents drawn out into high flights by the poet’s ingenuity. A celebrated historian says—“ the flight of a band of exiles, the fightings of a few peasants, and the establishment of a paltry village, comprehend all the boasted labours of the pious *Æneas*.” We would gladly, did space permit us, enter into a dissertation on Pastoral ; when we should be away from Persia for a considerable time—the reader wondering when we intended to return. We shall .

content ourselves with mentioning, that nearly all our famous pastoral poets have been connected with trade, or been engaged in rural pursuits: Allan Ramsay, immortalized by his gentle Shepherd, was the son of a miner, and apprentice to a wig-maker: Gay, the author of numerous fine English Pastorals, in early life, gained the smiles of the City ladies, by serving out choice silks and satins from behind a counter: Pope was the son of a London linen-draper: Collins, who gave the first natural dash of orientalism to English Poetry, we have no doubt suited many a customer to a hat, previous to his departure for school, and while his father was engaged in Chichester with his more important civic duties: Burns, who could moralize with equal force on a man or a daisy, it is well known, was a ploughman: Bloomfield, whose Farmer's Boy is a great production, was himself what he wrote; but afterwards a journeyman shoemaker: Hogg, Nature's rough but honest mountain bard, was by profession a Shepherd: and lastly Moore, our admirable living poet, whose charming Lallah Rookh boasts much of the Asiatic Pastoral, though rather too dazzling and overdrawn, to his lasting honour be it said, confessed to Royalty that he was the son of a Green Grocer in Dublin. Since we have lit upon Lallah Rookh, we may perhaps state our opinion, which is, that the Poem is the most brilliant display of eastern imagery ever sung in Europe: like a circle of diamonds round the fair forehead and raven tresses of a beautiful woman, whose chastity is suspected: abounding with descriptions and beauty, which no one who had ever seen India, Arabia, or Persia, would have attributed to these countries, even in their most palmy days. This, in a great measure, is the poet's licence; but we think that Lallah Rookh would have had a more lasting popularity, had it been a little more true to nature, and not so dazzling and brilliant. The Oriental Eclogues of Collins, are perhaps as unpretending productions, as any poems in our language. Their simplicity, truth to nature, and morality, chiefly cause our admiration. Collins, forsaking the Corydons and Phyllisses of the age, brought Pastoral to bear upon the love sick swains and gentle beauties of the East, in four very small poems. *Selim, or the Shepherd's Moral*, is the first Eclogue,\* which though not cast in the usual

\* In his life of Philips, Dr. Johnson has these remarks: "Petrarch entertained the learned men of his age with the novelty of modern pastorals in Latin. Being not ignorant of Greek, and finding nothing in the word *Eclogue*" (i. e. *choice piece of Poetry*) "of rural meaning, he supposed it to be corrupted by the copiers, and therefore called his own productions *Eglogues*, by which he meant to express the talk of *goatherds*, though it will mean only the talk of *goats*. This new name was adopted by subsequent writers, and amongst others by our Spenser."

dramatic form, has in it much of the spirit of the genuine pastoral. The *time* is morning; the *scene*, a valley near Bagdad. The Shepherd commences his moral admonition:—

“Ye Persian maids! attend your poet’s lays,  
And hear how shepherds pass their golden days,  
Not all are blest, whom Fortune’s hand sustains  
With wealth in courts; nor all that haunt the plains:  
Well may your hearts believe the truths I tell;  
’Tis virtue makes the bliss, where’er we dwell.

Thus Selim sung, by sacred Truth inspir’d;  
Nor praise, but such as Truth bestow’d inspir’d:  
Wise in himself, his meaning songs convey’d  
Informing morals to the shepherd maid;  
Or taught the swains that surest bliss to find,  
What groves nor streams bestow, a virtuous mind.

When sweet and blushing, like a virgin bride,  
The radiant morn resum’d her orient pride;  
When wanton gales along the vallies play,  
Breathe on each flower, and bear their sweets away;  
By Tigris’ wandering waves he sat, and sung  
This useful lesson for the fair and young.”

Thus beautifully introduced, the fair shepherdesses gather round Selim to hear the “moral of his song.” After wise counsel,—which certainly seems more like that of Addison or Johnson, than that of a Persian shepherd, in which the fair maids are exhorted to wisdom, and entreated to beware of the dangers to which beauty is exposed; also to cultivate all the softer virtues, without which, no woman can be perfect,—the shepherd poet continues his strain:—

“Blest were the days, when *Wisdom* held her reign,  
And shepherds sought her on the silent plain;  
With *Truth* she wedded in the secret grove,  
Immortal Truth! and daughters bless’d their love.

O haste, fair maids! ye *virtues*, come away,  
Sweet Peace and Plenty lead you on your way!  
The balmy shrub for you shall love our shore,  
By Ind excell’d, or Araby, no more.

Lost to our fields, for so the Fates ordain,  
The dear deserters shall return again.  
Come thou, whose thoughts as limpid springs are clear,  
To lead the train, sweet *modesty*! appear:  
Here make thy court amidst our rural scene,  
And shepherd-girls shall own thee for their queen.”

The simplicity and beauty of these lines are almost as delightful as the sweet morality they contain. The virtues of modesty, chastity, with the rest that are named in the lines which follow, fidelity, meekness, pity, love, being once personified, nothing can be finer than the lineage ascribed to them, when they are pourtrayed as “the daughters of Wisdom and immortal truth.” What a pity that such maxims were not deeply sown, by the aid of Christianity, in such a land as Persia! Goldsmith admired our poet’s *Eclogues* considerably: in the

above lines we are led to think of the grace, sweetness, and harmony of the Deserted village. The conclusion of the Eclogue is as follows:—

“ With thee be Chastity, of all afraid,  
Distrusting all, a wise suspicious maid ;  
But man the most—not more the mountain doe  
Holds the swift falcon for her deadly foe.  
Cold is her breast, *like flowers that drink the dew*,  
A silken veil conceals her from the view.  
No wild desires amidst thy train be known,  
But *faith*, whose heart is fix’d on one alone :  
Desponding *Meekness* with her downcast eyes,  
And friendly *Pity*, full of tender sighs ;  
And *Love* the last, by these your hearts approve,  
These are *the virtues* that must lead to love.  
Thus sung the swain ; and ancient legends say,  
The maids of Bagdat verified the lay :  
Dear to the plains the Virtues came along,  
The shepherds lov’d, and Selim bless’d his Song.’”

The second Eclogue is *Hassan, or the Camel Driver* ; the scene, the desert ; the time, mid-day. This is a charming effusion. The anxiety which is poisoning the mind of Hassan ; the description of the desert through which he is passing ; the anxious speech of Zara, his loved one, before his departure, —all are natural and beautiful characteristics of a nomadic life. The two first opening lines at once convey, with nervous simplicity, a vivid picture of the dreary solitude of a region, utterly bereft of the ordinary signs of animal or vegetable life:—

“ In silent horror o’er the boundless waste,  
The driver Hassan with his camels past.”

The details which follow are all in accordance with this fine exordium. At length, poor Hassan,—jaded, exhausted, oppressed, and even “affrighted” by the interminable dreariness of the scene, with its “scorching sand,” and “blasting wind,” and tree-less, herb-less, water-less barrenness,—in the wildness of “desperate sorrow,” “thrice sighed, thrice struck his breast,” and thus abruptly gave vent to his passionate grief and regret:—

Sad was the hour, and luckless was the day,  
“ When first from Shiraz’ walls I bent my way.”

Recovering somewhat from this burst of depressive sadness, Hassan, in the absence of any human being to listen to his plaint, or sympathise with him in his sorrows, very naturally turns round and addresses “the mute companions of his toil,” in a strain in which it is scarcely possible to say which to admire most, the amiable tenderness of the sentiment, the elegance of the expression, or the beauty of the imagery:—

“ Ye mute companions of my toils, that bear  
In all my griefs a more than equal share !

Here, where no springs in murmurs break away,  
 Or moss-crown'd fountains mitigate the day,  
 In vain ye hope the green delights to know,  
 Which plains more blest, or verdant vales bestow :  
 Here rocks alone, and tasteless sands are found,  
 And faint and sickly winds for ever howl around.  
 ' Sad was the hour, and luckless was the day,  
 ' When first from Shiraz' walls I bent my way !' "

Mr. Campbell particularly admires the descriptive lines :—

" Here rocks alone, and tasteless sands are found,  
 And faint and sickly winds for ever howl around."

Their beauty consists in their truthfulness, or strict accordance with reality ; and in their power to excite a feeling of dreariness, faintness, and sickness, in the mind, in singular harmony with the gloomy desolateness of the scene described. No one has traversed the real desert, who is not ready to testify that " faint and sickly winds " are much more common there, than the much talked of " balmy odours " and " spicy gales."

Smarting under the pains and deprivations of travelling in the desert, and foreboding the approach of still greater calamities, Hassan next denounces the thirst of gold and silver, in strains as true to the theory of sound morals, as they are to the style of genuine poetry :—

" Curst be the gold and silver which persuade  
 Weak men to follow far fatiguing trade !  
 The lily peace outshines the silver store,  
 And life is dearer than the golden ore :  
 Yet money tempts us o'er the desert brown,  
 To every distant mart and wealthy town.  
 Full oft we tempt the land, and oft the sea ;  
 And are we only yet repaid by thee ?  
 Ah ! why was ruin so attractive made,  
 Or why fond man so easily betray'd ?  
 Why heed we not, while mad we haste along,  
 The gentle voice of Peace or Pleasure's song ?  
 Or wherefore think the flowery mountain's side,  
 The fountain's murmurs, and the valley's pride,  
 Why think we these less pleasing to behold,  
 Than dreary deserts, if they lead to gold ?  
 ' Sad was the hour, and luckless was the day,  
 ' When first from Shiraz' walls I bent my way !' "

After enumerating many of the dangers which appeared to impend over him, and which his excited fears naturally led him somewhat to exaggerate ; and after adverting, by way of contrast, to the " wise contented poor," who, free from the " lust of wealth," tempt no deserts and find no griefs there ; he last of all turns to the happy home which he left behind him, and memory, retentive of fond impressions, holds up, as in a mirror, the tenderest and most affecting of domestic scenes :—

O, hapless youth ! for she thy love hath won,  
 " The tender Zara will be most undone !

Big swell'd my heart, and own'd the powerful maid,  
 When fast she drops her tears, as thus she said :  
 ' Farewell the youth whom sighs could not detain,  
 ' Whom Zara's breaking heart implored in vain !  
 ' Yet as thou go'st, may every blast arise  
 ' Weak and unfelt as these rejected sighs !  
 ' Safe o'er the wild, no perils may'st thou see,  
 ' No griefs endure, nor weep, false youth, like me !  
 O, let me safely to the fair return,  
 Say with a kiss, she must not, shall not mourn ;  
 O ! let me teach my heart to lose its fears,  
 Recall'd by Wisdom's voice, and Zara's tears.  
 He said, and call'd on heaven to bless the day,  
 When back to Shiraz' walls he bent his way."

Shenstone, the bachelor poet, has a pastoral ballad something similar to the above lines ; commencing :—

" Ye shepherds so cheerful and gay,  
 Whose flocks never carelessly roam ;  
 Should Corydon's happen to stray,  
 Oh ! call the poor wanderers home, &c."

We do not read much of Collins' "love business;" although a man of his taste must have had a high opinion of the fair sex : but Shenstone was particularly fond of their society, and his heart was capable of the tenderest impressions ; and yet after having been Corydon to at least half a dozen Phyllisses—he died a bachelor. Collins, at any rate, showed more consistency than Shenstone.

The next or third Eclogue is entitled "*Abra, or the Georgian Sultana.*" The scene is a forest in "Georgia's land," where "Scflis' towers are seen."

A fair shepherdess while making a garland of flowers for her hair, is discovered by Abbas the Great King of Persia, who falls in love with her at first sight, and takes her home. She turns a fond look at the dear scene she is quitting :—

" The royal lover bore her from the plain ;  
 Yet still her crook and bleating flock remain :  
 Oft as she went, she backward turn'd her view,  
 And bade that crook and bleating flock adieu.  
 Fair happy maid ! to other scenes remove,  
 To richer scenes of golden power and love !  
 Go leave the simple pipe, and shepherd's strain ;  
 With love delight thee, and with Abbas reign.  
 ' Be every youth like royal Abbas mov'd,  
 ' And every Georgian maid like Abra lov'd !'  
 Yet midst the blaze of courts she fix'd her love  
 On the cool fountain, or the shady grove :  
 Still with the shepherd's innocence her mind  
 To the sweet vale, and flowery mead inclin'd ;  
 And oft as spring renew'd the plains with flowers,  
 Breath'd his soft gales, and led the fragrant hours,  
 With sure return she sought the Sylvan scene,  
 The breezy mountains, and the forests green.  
 Her maids around her mov'd, a duteous band !  
 Each bore a crook all rural in her hand :  
 Some simple lay, of flocks and herds they sung ;  
 With joy the mountain and the forest rung.



' Be every youth like royal Abbas mov'd,  
 ' And every Georgian maid like Abra lov'd.'  
 And oft the royal lover left the care  
 And thorns of state, attendant on the fair ;  
 Oft to the shades, and low-roof'd cots retir'd  
 Or sought the vale where first his heart was fir'd ;  
 A russet mantle, like a swain, he wore,  
 And thought of crowns and busy courts no more.  
 ' Be every youth like royal Abbas mov'd,  
 ' And every Georgian maid like Abra lov'd.'  
 Blest was the life, that royal Abbas led :  
 Sweet was his love, and innocent his bed.  
 What if in wealth the noble maid excel ;  
 The simple shepherd-girl can love as well.  
 Yet those who rule on Persia's jewel'd throne,  
 Be fam'd for love, and gentlest love alone ;  
 Or wreath, like Abbas, full of fair renown,  
 The lover's myrtle with the warriors crown.  
 O happy days ! the maids around her say ;  
 O haste, profuse of blessings, haste away !  
 ' Be every youth like royal Abbas mov'd,  
 ' And every Georgian maid like Abra lov'd.' "

We have made this long extract, being at a loss to give any particular passages of this Eclogue, which as a whole we consider extremely beautiful. In this poem we are slightly reminded of Waller's pretty lines, "Go, Lovely Rose," which he probably addressed to Sacharissa,

" Small is the worth  
 Of beauty from the light retired."

The fourth and last of the Eclogues is denominated "*Agib and Secander, or the Fugitives.*" The scene is a mountain in Circassia ; the time, midnight. The country has been desolated by a ruthless Tartar foe. Two shepherds, flying over ravaged plains, wherever "wildering fear and desperate sorrow" may lead them, at length, "faint and weak," reach what they consider a place of temporary safety. Then commences a Dialogue, in which Secander, one of the shepherds, first calls on Agib, the companion of his flight and misery, to look back and survey by the friendly aid of moonlight, the "wide groves," the "long extended plain," the "ragged cliff," and the "weary mountain's side," which they had already passed. Agib responds to the call. And the spectacle of "blasted harvests," of "citron groves, drooping their fair honours to the conquering flame," of "flying swains, leaving to ruffian bands their fleecy care," leads to mutual lamentation over the ruin and misery of their unhappy native land. Throughout, there are some fine touches of melting pathos ; and this is preeminently true of the lines in which the shepherd gives expression to his lively apprehensions and fears respecting the fate of his fair but helpless country-women :—

## SECANDER.

"In vain Circassia boasts her spicy groves,  
 For ever fam'd for pure and happy loves ;  
 In vain she boasts her fairest of the fair,  
 Their eyes' blue languish, and their golden hair !  
 Those eyes in tears their fruitless grief must send ;  
 Those hairs the cruel Tartar's hand shall rend.

## AGIB.

Ye Georgian swains, that piteous learn from far  
 Circassia's ruin and the waste of war ;  
 Some weightier arms than crooks and staffs prepare,  
 To shield your harvests, and defend your fair :  
 The Turk and Tartar like designs pursue,  
 Fix'd to destroy, and steadfast to undo.  
 Wild as his land, in native deserts bred,  
 By lust incited or by malice led,  
 The villain Arab, as he prowls for prey,  
 Oft marks with blood and wasting flames his way ;  
 Yet none so cruel as the Tartar foe,  
 To death inur'd, and nursed in scenes of woe."

Their rest is broken—they startle—it is their pursuers—they are off !

"He said, when loud along the vale was heard  
 A shriller shriek, and nearer fires appear'd,  
 Th' affrighted shepherds, through the dews of night,  
 Wide o'er the moon-light hills renew'd their flight."

The scene is in Circassia ; and the pleasures of love, and peace, and plenty, are here beautifully contrasted with the desolation and ruin produced by war. The Emperor of Russia would do well to consider this. We have now concluded our specimens of the Oriental or Persian Eclogues ; in which it has been our intention to let the reader judge of the natural delineation, truth, and want of affectation in those sweet poems so little known among us. Our remarks concerning them, purposely, have been few. Departed genius is food for admiration, not for fault-finding, or severe criticism.

It will be seen, throughout, that it was not our intention to say much concerning the life of Collins ; but merely sufficient to excite admiration, and draw forth the tear of sympathy for his genius. In glancing at the page of Biography, the feeling heart must sympathize with the occasional fate of those who have given light to the world. Although there exists, in many cases, considerable exaggeration of miseries, undergone by authors ; yet such cannot be said of Butler, Dryden, Savage, Otway, Chatterton, Collins, or Burns. They all drank severely of the cup of bitterness and misery ; and this fact brings home to us the truth of what Smolett wrote in a letter to Garrick, to the effect, that it depends upon the toss-up of a half penny, whether a man rises to affluence and honour, or continues to his dying day struggling with the difficulties and disgraces of life. As a further illustration of this melancholy fact, we

shall relate an anecdote from a life of Butler by an unknown hand, which will shew on what a little thing a man's happiness may depend:—"Mr. Wycherley had always laid hold of an opportunity which offered of representing to the Duke of Buckingham how well Mr. Butler had deserved of the royal family, by writing his inimitable *Hudibras*; and that it was a reproach to the Court, that a person of his loyalty and wit should suffer in obscurity, and under the wants he did. The Duke always seemed to hearken to him with attention enough; and after some time, undertook to recommend his pretensions to his Majesty—Charles the second. Mr. Wycherly, in hopes to keep him steady to his word, obtained of his Grace to name a day, when he might introduce that modest and unfortunate poet to his new patron. At last an appointment was made, and the place of meeting was agreed to be the Roebuck. Mr. Butler and his friend attended accordingly: the Duke joined them; but as the —— would have it, the door of the room where they sat was open, and his Grace, who had seated himself near it, observing a pimp of his acquaintance (the creature too was a Knight) trip by with a brace of Ladies, immediately quitted his engagement, to follow another kind of business, at which he was more ready than in doing good offices to men of desert; though no one was better qualified than he, both in regard to his fortune and understanding, to protect them; and, from that time to the day of his death, poor Butler never found the least effect of his promise."

Collins, like Burns, was chiefly honoured and admired after his death. Many years after the graceful spirit of the poet had burst its earthly tenement, the great Flaxman was ordered to design a monument to his memory; which was placed among those of the illustrious dead. The monument is in beautiful keeping with the poet's elegant fancy: just recovered from a fit of phrensy, his lyre neglected, and one of his poems on the ground; above him "two beautiful figures of Love and Pity entwined in each other's arms;" in a studious posture he is seeking consolation in the New Testament, his favourite volume.

It is sad to find, in glancing at the latter days of Collins, that a mind so ordered as his, a mind whose chief consolation latterly was in religion, should have been tinged with the gloom of a melancholy so deep that it verged into madness. Had it been the vain and eloquent Rousseau, the philosophical Hume, or the sage Voltaire,—had their days gone down in madness, the tear of human sympathy alone would have been shed; expressions of Christian admiration must have been withheld. Collins, though we do not class him with the above trio in intellectual

power, yet affords a striking contrast to the vanity of Rousseau. Our poet, in his latter days, on being questioned by a friend what he was reading, said, in presenting the New Testament, "he had but one book, and that was the best." Of Rousseau, from his eloquent tribute to the inimitable beauty of the New Testament, it has been said "What a mind! to conceive ideas so beautiful and so just! The divinity of the New Testament is displayed as with a sunbeam! But what a heart! to resist the force of all this evidence, to blind so fine an understanding, and to be able to subjoin, "I cannot believe the Gospel." What, of the most preposterous human vanity or absurdity, throughout the whole range of literature, do we find equal to this? It is a glory to our country that so many famous literary and scientific men have lived under the influence, and died under the consolations of true religion.

We have little more to say of Collins, while we admire his genius, we cannot be blind to its defects. Of these the more conspicuous were a certain wild and unbridled extravagance of imagination, and a certain incorrigible irresoluteness of mental habit. He was constantly planning great literary projects, both in prose and verse, but seldom even attempted to execute any. The consequence was, that, though endowed with powers which rendered him capable of accomplishing much, he achieved but little, though that little is of a kind to enhance our regret that it had not been more. We have thus to mourn over the loss of gifts, not prematurely wasted by the fire of impetuous and over-done exertion, but wasted idly and unprofitably under the corroding rust of inveterate indolence. As to his imagination, it delighted to indulge in those flights which "pass the bound of nature and to which the mind is reconciled only by a passive acquiescence in popular traditions;" it loved to luxuriate amid the revelries of "fairies, genii, giants, and monsters;" it rejoiced to "rove through the meanders of enchantment, to gaze on the magnificence of golden palaces to repose by the water-falls of Elysian gardens." How far his too facile yielding to the lawlessness of imagination may be viewed as symptomatic or accelerative of the fatal malady, the felt influence of whose insidious inroads may have driven him to the use of mitigating expedients which the faithfulness of generous friendship cannot but seriously reprehend, it is not for us to determine. That there was an action and re-action of some sort cannot well be doubted. But be that as it may, it is impossible to contemplate the lurid gloom which hung over his latter days, and shrouded "in dim eclipse" the bright lustre of his genius, without feelings of deepest commiseration and tender pity.

- ART. VI.—1.** *Report from the Indian Law Commissioners to the Honorable the President of the Council of India, in Council, upon Judicature in the Presidency Towns. Dated February 15th, 1844, p. p. 78.*
2. *An Act for establishing a Court of Subordinate Civil Jurisdiction in the City of Calcutta (Revised Draft.)*
3. *Appendix to Report—Minute on the Supreme Court (Bombay) by Sir Erskine Perry, Puisne Justice, 3rd June, 1843, p. p. 19.*
4. *Letter from Sir Henry Roper, Chief Justice, Bombay, to the Indian Law Commissioners.*
5. *Minute, &c. of Sir Lawrence Peel, Chief Justice, (Calcutta), 13th February, 1844, p. p. 23.*
6. *Supplement to Appendix.*
7. *Letter from Sir Erskine Perry to the Honorable the Governor in Council of Bombay, 22d May, 1844.*
8. *Letter from Sir L. Peel, to the Indian Law Commissioners, in reply to Sir Erskine Perry. 22nd February, 1845.*

IN May, 1843, the Indian Law Commissioners addressed to the Judges of the Supreme Courts at Calcutta and Bombay, an inquiry as to the number of Officers and amount of Salaries, which would be required to render those Courts efficient in every department, if they were now to be established for the first time. The inquiry suggested to those to whom it was addressed a previous question; whether it would be desirable to establish such Courts as the Supreme Courts, and with what alterations: and accordingly Sir Erskine Perry, whose answer was returned in the following month (June 3rd, 1843), and Sir H. Roper whose answer followed soon after, both delivered their opinion on the procedure of the Supreme Court, and recommended, the former a total change, the latter very considerable changes. \* The Judges at Calcutta did not return any answer for several months; and having in the meantime seen the answers sent from Bombay, they also suggested an extensive reform in the procedure of their own Court, but combated with great warmth and zeal the views particularly of Sir E. Perry. In this manner began a very important, and, in many of its features, novel controversy, which we purpose to divest as much as possible of technicalities and to lay a full and critical analysis of it before our readers. An opportunity was given to Sir E. Perry to defend his views, which he did in a letter to the Commissioners; and this elicited from Sir Lawrence Peel on the 22nd February, 1845, a reply which

closed the controversy: but the advantage of the last word, hitherto enjoyed by Sir L. Peel, belongs to Reviewers. The entire controversy fills about ninety pages of Appendix to a Report of the Indian Law Commissioners.

This Report also, though it enters not into the controversy, is intimately connected with it in subject; and has reference to a plan of the Commissioners for establishing a new Court of local subordinate jurisdiction, with a simple procedure, but limited at first to subjects of common law jurisdiction; and to decide according to Equity in all those cases where Equity and Law, or rather Equity-law and Common-law differ. We hope either on the present or some early occasion to lay the views of the Commissioners before our readers: but will only remark here that they are in general accordance with the views of Sir E. Perry.

We will premise, for the information of our numerous readers out of India, a general outline of the peculiar manner in which the Supreme Courts have been constituted.

The oldest of the Supreme Courts is established in Calcutta, and it was the model of the Supreme Courts afterwards established at the other Presidencies. It was established for the purpose of administering English Law, both Civil and Criminal, to all British subjects throughout the Bengal Presidency, and the native Civil Codes and British Criminal Law to natives resident\* within Calcutta. The Supreme Court was composed of three judges; and it had to administer the whole body of English Law, which in England is parcelled out among several Courts, each of which, though for the most part only supplementary to the others in respect of the law substantive, has its own peculiar procedure. It was necessary to give the Supreme Court this universal jurisdiction, or some of the substantive rights of British subjects would not have been provided for.

\* By applying to natives the doctrine of constructive inhabitancy the Court has extended its jurisdiction over natives in every part of the Bengal and Agra Presidencies; we have even heard of suits against the subjects of native Princes, viz. of the *roi faineant* of Oude, in virtue of the fiction of constructive inhabitancy. An Up-country native sends his gomashtha with shawls, sugar, or other merchandize to Calcutta, the gomashtha hires godowns till he can sell his goods, and has two or three writers: he hires a shop at perhaps 10 rupees (£1) a month, and this is a constructive inhabitancy. Another method of acquiring jurisdiction is by inserting an agreement or consent that the Court shall have jurisdiction; another by associating the name of a British subject with a native. The jurisdiction thus created is a discouragement to trade, and is in fact pregnant with every sort of injustice and iniquity. Conceive the language of the English Chancery and Courts of Common Law to be Urdu or Hindustani and their process to run against the British races all over India, who know neither Urdu nor Hindustani, and we have the exact case of natives hundreds of miles off sued in the Supreme Court of Calcutta.

From this oneness of the Supreme Court and universal competency ; simplicity and uniformness might have been expected in its procedure. But when we come to inquire into the fact, nothing can be more contrary. As if it had not been one Court but several Courts, it was established with all the diversities of procedure which were found among the several species of Courts in England, and so continues to the present day : thus, in matters (called in England), of Common Law jurisdiction, the suitor of the Supreme Court is driven to the necessity of employing Special Pleading, and the Judges on the trial of issues of fact are accordingly addressed as Jurymen :—" may it please your Lordships and Gentlemen of the Jury " is the forensic style of addressing them. So, in matters of equity jurisdiction, the procedure is by Bill and Subpoena and Answer as in the English Chancery ; and not only is the distinction of the jurisdictions generally preserved but even their conflicts ; and the Supreme Court in Equity restrains its own judgments and proceedings at law, (restrains itself) through the same medium of an independent and hostile suit, in the same manner as the Lord Chancellor restrains the Courts of Common Law. And, (as the Law Commissioners have well observed\*) in the Supreme Courts, the anomalous and extravagant features are exaggerated beyond those of the parent institutions.

On this incongruous and really absurd state of things, of one Court with a variety of procedures, and in conflict with itself, Sir Erskine Perry in his original minute makes the following pertinent and just observations :—

" When Sir Elijah Impey had the task before him of framing a judicial Establishment for Calcutta, as the object was to afford a tribunal for every question that might arise, whether Civil or Criminal, legal or equitable, of Ecclesiastical or Admiralty cognizance, the course which he adopted of attributing to the Court, to be established, the different jurisdictions which he had seen parcelled out amongst different tribunals in England, as it was the most obvious, so possibly was the most unobjectionable, which he could have pursued.

But as the object to be attained in every different department of the Court was precisely the same, namely, to bring forward the case in controversy in the clearest and least vexatious manner possible, it might have been imagined that a uniform code of practice directed to that end, would have been devised, preserving all the good portions of the methods in operation in the different Courts for discovery of the facts, and rejecting all the bad, so as to form one rational simple system, which would have been, as satisfactory to the Judge to administer, as to the public whom it would have benefited. When it is seen, on the other hand, that the whole of the contradictory, complicated, expensive Codes of practice of all the different

\* Report on *Lex Loci* addressed to the Right Honourable the Earl of Auckland, Governor-General of India in Council. Dated 31st October, 1840. p. 31.

Courts in England have been imported bodily into the *one* Supreme Court of India ; that on this side of the Court, facts may be only elicited by *vivâ voce* examination, that on another they cannot be brought before the Court except in writing ; that a party to the cause may not be examined in the case in one instance (at law), that he may be in the same case (in Equity) ; that the decision of the Court on the Plea side will give a matter in dispute to one party, that the decision of a Court of Equity will give it to another (in case there are funds sufficient to keep up the litigation) ; and that all these varying results and perplexing operations are only to be got at by vast expense and vexation : with these facts before our eyes, I say, it is not, I think, an uncharitable conclusion to arrive at, that the temptation of forming a costly establishment with the number of offices to which these different codes of practice were to afford fees, and of which the founders were to have the patronage, *must* have completely kept out of view the interests of Suitors and of the public."

These remarks on the existing multifarious system carry conviction : but the most valuable parts of the Minute are those in which Sir Erskine states his own experience, and critically compares the different procedures, every one of which he has been personally engaged in administering. While the most learned lawyer in England is generally unacquainted with all but one branch both of substantive law and legal procedure ; and no English lawyer at all, as such, is practically acquainted with the working of the natural system, for it is entirely out of the pale of the profession ; the experience of Indian judges and generally of the Indian bar extends to every branch of substantive law and every kind of procedure ; and hence, as the question of what is the best mode of administering the substantive law is entirely a practical one, we regard Sir E. Perry's opinions as of great weight and entitled to the fullest consideration. It has been treated of indeed, abstractedly, by Bentham and Mill and other philosophical writers on Judicial establishments ; and as Law Reformers we confess ourselves their pupils ; but their method does not always satisfy the plain understanding of the merely practical man, and they are not masters of the details. The peculiarity of the present controversy is, that the subject is treated of by persons having actual judicial experience. And let us here remark that all parties generally agree as to the points on which the merits of any system mainly depend. The desired object is to administer the law at the smallest reasonable cost to the public and suitors ; and with all the expedition and certainty practicable. The estimation in which a court is entitled to be held depends on the degree in which it realises this principle : and consequently the cost of obtaining a decision ; the time employed in obtaining it ; and the probability of its being conformable to the substantive law, are principal points in the discussion under consideration.



Sir Erskine Perry, first, as to the cost of Common law procedure, shews by official tables, that in Bombay the taxed costs of a *defended* cause, on both sides, average about rupees 1,200 (£120); of an undefended cause, about rupees 450 (£45;) and if the defendant gives a *cognovit* on the first opportunity he has, after action brought, the costs are rupees 189 or (£18 18s.) On this, Sir E. Perry remarks, "no one, I think, can look at these sums\* total, without perceiving that they are enormously high, whether taken absolutely or in relation to the cost of litigation in England."

Twelve hundred rupees (£120), is a pretty round sum to tax against two persons for any description of service which a Court can be called upon to render on any subject matter of common law litigation, be the amount in dispute however large, and be there even a difficult question of *law* on which a doubt is entertained, and therefore requiring a judicial determination; but it is unconscionable and exorbitant for the ninety-nine out of every hundred common law actions, which are put into the cause paper and not tried, or which are brought to trial, where there is no difficult question of law; but on the part of the defendant mostly fraud or insolvency are seeking shelter under legal forms, or the case is contested only because the lawyers are at hand (if we may use the metaphor) to make a ring and supply at once fighters and the weapons.

Sir L. Peel on the subject of common law costs gives a different account, which is the more remarkable, as he had seen Sir Erskine Perry's statement. Sir L. Peel says:—

"The expences of a contested suit on the plea side of the Supreme Court of Judicature at this Presidency, properly conducted without needless outlay and without errors† in the progress of it, do not materially, if they at all exceed the average costs of the trial of a cause in the Superior Courts at Westminster, *even where the witnesses are all resident in the vicinity of those Courts.*" .....  
 "The cost of a contested suit on the plea side, will on an average be found, I believe, to be much about the same as that of an ordinary cause in the Superior Courts at Westminster."

Certainly all we have heard, and all that has come within the range of our actual observation, had led us to form a very different opinion. The subject deserves investigation. It

\* These sums are taken on an average of bills brought to the taxing office: but as bills of large amount in important causes are usually settled without taxation, these sums give the average cost only of the inferior causes.

† Does not the studied insertion of these qualifications imply that the average would be greatly increased if the cases alluded to were included in the calculation, and does not this prove how ill adapted for the very small professional body of a colony or distant dependency are the English forms of technical procedure?

would not be just to take Sir Erskine Perry's view as the correct one, nor to reject Sir L. Peel's, merely because the former coincides with our preconceived notions; and we will therefore state some grounds we have for forming an opinion. But let us first note the *climax* which we have put in italics in our last quotation; it amounts to this proposition, that the costs of an action at Law in London, when all the witnesses reside in London, are as high as the costs of an action at Law in Calcutta, even when the witnesses have to come from a distance, or a Commission, which is less costly, has to be issued to examine them. Sir L. Peel himself states, that "the fees to Counsel and the expense of employing an attorney constitute the principal portion of the expense of a suit." The fees of Counsel and charges of attornies are higher in India than in England, and consequently the aggregate cost of litigation would be higher were there no other differences of the same kind. It would indeed have been a real injustice at any time, and would be so still, if the fees to Counsel and Attornies were the same in India as in England. They would also have been inconsistent with all other prices or charges of European origin. They would have presented too the singular and incongruous spectacle, of a bar in possession of a monopoly out of which they could make by fair means no splendid fortunes and at the same time establishments of officers endowed with the utmost extravagance. But we may lay aside hypothesis and give particular instances. In England, a defendant, sued for a debt, may pay it within four days after service of the writ, at a varying expense of between £1-18-0 and £2-2-0; here of Rs. 100 or (£10;) and though this charge includes the costs of a plaint (which are not included in the more equitable practice of England) yet, from the difference, we may conclude, that all the charges connected with the proceeding are higher than in England. If the cause goes on, the next step, after the four days are elapsed, is in the labyrinths of Special pleading. We need not explain the nature of Special Pleading: our immediate object is to shew how much less costly it is in England. In England there is an intermediate class of persons (technically said to be below the Bar) called Special Plenders *par excellence*: their province is the extensive domain of procedure which includes not only special pleading, but the "practice" connected with it, and springing out of its forms, which ends not until the cause is actually in Court before a Jury for trial. Most plaints and other pleadings above the Attorney's skill are drawn by these very learned persons, as well on account of their more economical rates of remuneration, as for other rea-

sons. Eminent pleaders of the generation just passed away, drew common plaints for 7*s.* 6*d.* (Rs. 3-12) common pleas for 5*s.* (Rs. 2-8); the fees of the present day range from 7*s.* 6*d.* to 10*s.* 6*d.*—15*s.*—21*s.* and 31*s.* 6*d.*—for a pleader a high fee, and many opinions 10*s.* 6*d.* Now all pleadings not drawn by attornies—(and very few are)—are drawn here by counsel and the smallest pleading fee is £3-8-0, and £5-2-0 is not unusual. The corresponding bar fees in England would be £1-3-6 and £2-4-6. The very common case of a motion for judgment as in case of a nonsuit, will further illustrate the difference. Fee on motion £1-14-0; on supporting it or moving to make rule absolute £3-4-0; shewing cause against it, £3-4-0; total in India £8-2-0; in England 10*s.* 6*d.*, £1-3-6 and £1-3-6; total £2-17-6. Consultation fees on common law briefs both of junior and leading counsel are £5-2-0, making the cost of a consultation, on each side,\* £10-4-0 if there are two, £15-6-0 if there are three Counsel: the corresponding expense in England would be (including Clerk's fees) £3-10-6 : £5-7-6. Consultation fees in Equity Suits are £8-10-0, and taking the fee on the brief at only the same amount, an argument on Equity pleadings with two counsel on each side costs £68-0-0, and this probably is below the average. Many fees which have been abolished in England continue in India, and there are many motions and of course fees which are unknown in England; e. g. to give a day to a defendant who has not appeared to the writ, (3 motions) each £1-14-0; total £5-2-0, which is a mere farcical proceeding.

Besides the higher rate of Indian fees, the aggregate amount is still further increased by the different practice as to the employment of counsel. The result of this is very considerable in the cost of litigation. To confine ourselves to the common law,—the proportion of cases is very large, in which several counsel are employed, but only one would be employed in England, *e. g.* in all undefended causes,—in England there is one fee, £1-1-0; in India there are almost invariably two counsel, and the fees are rarely less, sometimes more, than 5 gold mohurs, or £8-10.

\* Since the above was written, we have seen a comparative Table of Indian and English Fees, the former being extracted consecutively from the Fee Book of a Barrister of the Supreme Court, and the latter derived from an experience of many years both as Special Pleader and Barrister in England. The aggregate of eighteen fees for pleadings is £68, and a few shillings. In England, the corresponding fees would have been £10, and a few shillings, or reckoning three of them as bar fees about £12.

The same fee book exhibits £5-2-0 as paid on every case on which an opinion was taken. In England, on some of the cases, only a Special Pleader's opinion would have been taken at a fee of 10*s.* and £1-1-0, and a Barrister's fee on some of them would have been only £1-1-0. Retainers are never less than £3-8-0. The smallest fee exhibited as paid for drawing any pleading in equity is £8-10-0.

Again,—in a very large proportion of defended causes only one counsel is employed in Middlesex and London, especially for the *defendant*: the fee is sometimes only £1-1-0; more generally £2-2-0; occasionally £3-3-0, in a comparatively small number of cases £4-4-0.\* Here, on the contrary, in defended causes there are always two counsel; very generally a consultation: the two brief fees are never less than £8-10-0; frequently more; and the consultation fees,—the same to senior and junior counsel—make the total fees of the defendant in the most trumpery defended case £18-14-0, or £23-16-0 and upwards. And here let us observe that this difference between the cost of Indian and English litigation, great as it is, ceases to appear surprizing, when we call to mind what we believe to be the principal cause of it, viz., the different circumstances of the profession here and in England: *there*, an open body, subject to all the *good and bad influences of free competition*: *here*, a monopoly, which, officers, barristers and attornies mutually endeavoured, in former times, to make as productive to one another as possible. This is the Upas tree; what we have described, some of its fruits: whereas, looking to England, we find no profusion in bar fees: liberality in bar fees the exception: the settled practice, to keep bar fees as low as possible, and to dispense with the aid of the bar as much as possible,—that is, in all cases except those in which honor, as well as fees, may be gained by the exercise of forensic talents.

Not to tire our readers with any further details, we will conclude this branch of the controversy under review with a summary of the causes which appear to us to enhance the cost of litigation here above its cost in England. They are, 1st. Bar motions and various parts of practice peculiar to the Supreme Court, in addition to all others known in England. 2d. Bar motions and other proceedings retained in the Supreme Court which have been abolished in England. 3rd. The foreign language of the Court, which makes it necessary whenever the plaintiff or defendant is a native, for the writ, plaint, bill, plea, answer, demurrer, documentary evidence and other parts of the proceedings to be translated from the English into the native tongue, and often from the native tongue into the English. 4th. The absence of the class of special pleaders and chamber counsel; and the absence of the very wide distinction made in England between leading and junior counsel: to this may be added as having some influence, the claim set up by the leading members of the bar, and recognized nearly to the present day, of having all the small business and motions of an incidental kind, which in England go to the junior counsel. 5th.

The rate of bar fees, exceeding by two, three, four and five times that in England. 6th. Douceur fees, alluded to by Sir Henry Roper under the name of "*immediate*" fees because they are received by the bar from parties. 7th. Errors (alluded to by Sir Lawrence Peel) arising from the multifariousness of the procedure, for which no barrister is prepared by his legal education, and no one man or bar can be equal. 7th. The unnecessary multiplication of counsel in common causes. 8th. The want of a proper taxation of costs, and *mala praxis* of all kinds as its consequence. Each of these heads would afford many pages of illustrative matter, for which we have not space, and we will only add finally that Sir H. Roper agrees with Sir E. Perry as to the cost of litigation, and has proposed several reforms specifically for its reduction.

After noticing the expense of procedure in the Supreme Court, Sir Erskine states that there is a small cause Court in Bombay, in which the puisné Judge of the Supreme Court presides; but the procedure is simple; and the costs consequently comparatively trifling. The entire costs to both parties of a defended cause in this court are Rs. 50; of an undefended cause Rs. 41; and of a cognovit Rs. 12; moreover, it works well: Sir Erskine says "that the materials for a correct judgment are more surely supplied in the Court of Simpler Procedure." Here then we have the question raised of the contrasted merits of the natural and technical systems, and we purpose giving it a somewhat extended consideration. To describe it in general terms, the natural system is that which brings the parties (with or without their legal advisers as they please) before the Judge in the first instance: he hears what they have to say, and decides at once, where the case is ripe for an immediate decision, or otherwise adjourns it, under regulations. Sir Erskine Perry has embodied the general theory of a Court of this kind in five propositions, which he recommends to the Indian Law Commissioners for legislative enactment, and the Commissioners have drafted an act for a Court not materially different. In contradistinction to this stands the technical system; which, though we speak of it in the singular number as if it were one and uniform, is not in fact an uniform, nor one, system; nor two, nor three, but a whole rabble of systems. We cannot say of it as we have said of the natural system, 'Its characteristic traits are so and so; it proceeds so and so; it does so and so;' for, in the aggregate, it is an assemblage of incongruities and contradictions; and therefore the comparison must be made with each part in detail. All these different technical methods, however, do agree in this,—that they keep the suitors away from the Judge

until the dispute has gone through the metamorphosis of certain legal forms, which, to the parties interested, are utterly unintelligible. These preparatory forms, at COMMON LAW, consist for the most part of what is called Special Pleading. The Suitor makes his statement to the Attorney: the Attorney to the Special Pleader first, and afterwards to the Barrister; and the Judge is ultimately permitted to hear only the question which the Special Pleader in a fashion of his own lays before him. The great despatch and economy of the Small cause court arise from the non-employment of Special Pleading, and bringing the cause before the Judge in the first instance. Special Pleading is not as the term popularly implies, *oral*; no, that would be too much according to common sense, and fatal to the logomachies of the legal Schoolmen. Special Pleadings are written: but in a language which, though English, is not the style either of men of business or of men of science, of the rude, the literate or the polished portion of mankind, or of any other class than that of Special Pleaders. We could quote with much satisfaction (but are obliged merely to refer to) Sir Erskine Perry's account of Special Pleading. Its primary object he observes, (and in this he adopts the received opinion)—is, to separate the law from the facts; in which respect he thinks it in some degree suited for an Institution, which refers the law to the decision of one tribunal and the facts to the decision of another tribunal. Our readers will perceive he alludes to the Jury system of England; but the Supreme Courts, he thinks, need no such formal separation of the facts from the law, because the facts and the law are decided in one and the same place and by the same persons. Sir L. Peel and many others will not admit the consequence which Sir Erskine here draws from the different nature of the English and Indian tribunals: they think the merit ascribed to Special Pleading by Sir Erskine makes it universally acceptable, and they gladly assume that it is the real merit of the system; but this requires examination, and to this point we shall address a few observations.

Conceding that it is a merit to separate the facts from the law, Special Pleading, as we apprehend, fails as often as it succeeds in doing it. Often what is called an issue of fact is a mere legal construction of facts, *law* really, and the process for which Special Pleading is praised has to be performed at the trial. There is a vast deal of false pretence in this boasted system. Indeed Sir Erskine afterwards says in reference to Indian Special Pleadings,—that “the true point in dispute is often not elicited at all;” that often “the law and the facts are

so jumbled up together that the Judges are obliged to give a hasty, and consequently, often an erroneous decision on the law."

To take an enlarged view of the subject we must consider the early history in connection with the subsequent growth and changes in the practice of Special Pleading; and then we shall see how little the entire body of procedure which goes under the name is entitled to the praise which it has received, and that it is become an art, a craft, a mystery,—any thing but a Scientific system.

The creation of the Schoolmen, in their hands, it was the formal application of the Syllogism to the practice of jurisprudence. Each plaint, each plea, each part of pleading, was a fact or a denial of a fact, and formed the minor proposition, the major was the legal principle, not expressed, which if not correctly assumed, and the judges had to say whether it was or not, would of course not support a legal conclusion: the conclusion formed the immediate remedy demanded on the occasion, *e. g.* damages mostly, sometimes restitution. This was their method of working out a litigation, and for the simple cases of ancient times it was not inapplicable. It had its birth at a time when debts, properly so called, *i. e.* specific sums of money due by bond or other formal matter of obligation; and trespasses, properly so called, *i. e.* acts of wrong committed with force; and breaches of covenant, then of a simple kind, were the chief causes of actions. The substantive jurisprudence of that age was also very simple. As Society grew, new kinds of injuries were presented to the Courts for consideration. The Courts thought the existing actions inapplicable to them; and these new cases were formally placed under the cognizance of the Courts, by an act of Parliament which authorized the invention of a new species of action called "on the case," because the old lawyers did not know how, scientifically or jurisprudentially, to class or name them; and which actions were intended for cases, where not a "debt" was claimed, nor a "trespass" complained of, nor a breach of "covenant," nor "a conversion" of goods by a person who had found them, but still, by analogy to well established principles of substantive law, a "wrong" had been committed. Here then we have a second stage in the history of actions: representing the growth of society, which had given rise to more diversified wrongs, and rendered the invention of a new form of action necessary to meet them.

But the invention of actions did not stop here. As society advanced and commerce became diffused, **CONTRACTS** of a kind

which had formerly been rare, became common, and the old forms of action *ex contractu* did not apply to them;—not the action of “debt,” because that did not apply where the sum due was *uncertain*; not the action of covenant, because that would lie only on a *sealed* instrument. Here was another puzzle for the old lawyers, who, however, had become bold by the success of the last innovation; and to provide for these new contracts the action of *assumpsit* was invented, not under any new parliamentary authority, but by way of supplement to the class “on the case.” The wants of society according to the narrow conception of common lawyers, were now provided for. But yet another embarrassment arose from the retention of the forms of a barbarous age, through the invention of the most able schoolmen. The ancient form of an action of debt, when applied to tradesmen’s debts had for one of its incidents wager of law, and it became necessary to save the commercial interests from the operation of that barbarous relic. To do this, the Court allowed the action of *assumpsit* which had been applied only to complex cases to be extended to debts by simple contract.

On the whole, then, here we see two classes of actions, the ancient and the modern: the latter of most extensive application in modern times, and as if to confess the inapplicability of Special Pleading as a general instrument, it was scarcely applied to them; in one portion of them, when the statement of the complaint was special, the plea was general and gave no information: in another portion, the plaintiff was no statement of fact at all, but a mere legal construction of facts, and neither plaintiff nor plea gave any information. And this we think will satisfy our readers that the special pleading of the Courts of law is not the special pleading which those who regard only its theory have called a fine juridical invention. Its alleged object is wholly lost sight of, and the investigation before the judge and jury, if not absolutely free as to the topics of evidence, is just as free as it ought to be under the natural system. The junior Counsel opens the plaintiff, and tells the jury, it is “for money had and received, and that the defendant has pleaded he did not promise, and that that, is the issue:” “issue of fact,” but it gives neither judge nor jury the least information. The leading Counsel states the case, as he might, under the natural system, and the plaintiff and plea are never again referred to, except indeed for the purpose of defeating the action: witnesses are called, documents read, a clear case is proved, and such a case as by substantive law the plaintiff ought to recover a verdict upon, and a verdict the jury would give, but the issue is that the defendant was liable for money had and received, and



the Judge thinks the proofs do not come under that legal construction: the plaintiff is nonsuited; or the jury told to give a verdict against their own judgment, for the defendant,—and that in virtue of the employment of Special Pleading: yet this is a “beautiful juridical invention!” The lawyers have themselves set it aside, except as a fee-gathering instrument; and partially to supply its pretended uses, have been obliged to introduce what was never heard of in ancient times, in no way belongs to the system, is framed in repugnance to some of its chief rules,—we mean, PARTICULARS OF THE PLAINTIFF’S DEMAND, which are a proper part of the natural system.

We will next cursorily notice the various attempts which have been made at different times to improve both the ancient and modern parts of the system. And we think they furnish strong proof of the inaptitude of written Special Pleadings. *Anciently* the parties were confined each to one statement; the plaintiff to a single count on one cause of action, the defendant to a single plea against one cause of action. And this was not a hardship when the pleadings were oral: but when they became written, the restriction (as is sufficiently proved for our purposes by the fact of its removal) became intolerable. Now, mark how relief was given. Plaintiffs first obtained a relaxation by the contrivance of stating a single case in different ways, but so as to appear, not one but several cases; thus five, six, seven and sometimes a greater number of counts or statements came to be used, when the real case could be given but in one statement, and the courts sanctioned this departure from principles, this corruption, by refusing to enquire whether in fact the plaintiff had as many causes of action as he had alleged on statement. Thus far as to plaintiffs. \*

The Law Amendment Act of the reign of Queen Anne established a relaxation in favor of *defendants*; it empowered the judges to permit several defences to a single cause of action,—the intention, however, being merely that several should be allowed when in fact there were several: but under color of it, pleas were multiplied with the utmost license; and this, another departure from principles, another corruption, was intended to make the system practicable as it respected the interests of defendants; and this state of things lasted from the reign of Queen Anne, till the Law Amendment Act of 1834, which was one of the excellent fruits of Lord Brougham’s celebrated law reform speech and common Law Commission; and what then happened? The pleader’s excuse for multiplying statements was, that he thereby made sure of matching the case as it should turn up in evidence, in other words of

avoiding at the trial a variance between the pre-statement, and the evidence, and also of matching the case whatever might be the legal construction put upon the facts by the judge at the trial. To remove this pretext the act alluded to, allowed variances of a certain kind to be corrected at the trial. Thus the evil was confessed; but the redress has been partial; the variances within the act are only such as are "*not material to the merits of the case,*" variances by which "*the opposite party cannot have been prejudiced:*" and all others are still fatal to the statement: but what a system,—ever to have permitted the right to be defeated by variances which were "*not material.*" And that character, we believe, belongs to many of the variances which still remain fatal: and the distinction further shews that the evil of variances, that is, of making incorrect statements, is inseparable from the system of requiring pre-statements in the forms of pleading. We cannot leave this subject without further remarking that the remedy against variances by allowing their amendment has opened a new source of uncertainty and embarrassment: first, to the pleader; who, must revolve in his mind, the probability of variances occurring; then decide of what kind they are likely to be, "*material*" or "*not material,*" and at last plead in doubt, almost sure to err, if one way, to the ruin of his cause, if the other way, at a heavy expense to his client.

To the judge also, with the evidence before him, which the pleader has not, the question is not always a simple one: and judges differ,—some being lax, others strict, in the exercise of their discretion: and the matter does not always stop with the judge at the trial—the Court in *Banco* has sometimes to decide on the right to amend a variance. This complication, without reflecting on individuals, we will call vicious because it results from the peculiarity wherein technical is mainly opposed to natural procedure.

Concurrently with the alteration which we have just described, Lord Brougham's Law Amendment Act gave the judges power for five years to make new rules of pleading; and this power they have exercised for the purpose mainly of requiring special pleading where it was not required before, that is, in the class of cases which we have distinguished as of modern and commercial origin: but, as if distrustful still of the system, the new rules do not apply to *plaints*; these consequently are as before, many of them not statements of *fact*, but mere constructions of law; i. e. fictions; and the procedure viewed as a whole, is still a piece of ill-assorted patchwork, not uniform, not carried out to a legitimate extent on any one principle, and working

ill as we will now shew in many of the new cases brought by the new rules within its operation.

The new rules came into operation in 1834: we know of no more fair mean of coming at a correct appreciation of the system in the more extended operation given to it by them, than an examination of the questions which have arisen since. Our limits will of course restrain us to a few specimens.

Two persons carried on business as millers, farmers and smiths in co-partnership: one sued the other and said (*declared*) "you are indebted to me £ — for money which I have paid for you, and for interest, and on an account stated."

The other in answer said (*pleaded*) "we were partners, and the moneys you mention arose out of our partnership transactions, which have not been adjusted between us and we have struck no balance."\* To this the other replied (*demurred*) with an objection merely to the *form* of the statement, and the court came to this decision—that the plea was bad because it was *special*, whereas it ought to have been *general*; and also that as a *special* plea it was bad, because it did not shew with sufficient certainty that the money claimed was paid with reference to a co-partnership transaction.—Here then we have according to the decision, either an insufficient statement of a good defence, or an attempt by *statement* to make a defence which was not in itself good or sufficient: if the former were the case, a good defence failed merely by reason of the employment of special pleading; if the latter, a bad defence was got up merely by reason of the same cause, that is, for the chance of success, and the certainty of delay, afforded by a difficult technical system.

Part-owner of a Ship against another part-owner.

A. (*Declares*). "You are indebted to me £ — for money which I have paid for your use."

B. (*Pleads*). "Oh! we were part owners of the good ship "*Commetee*," and you paid the money, as you know, to our shipping friends C. and D. for damage done to their goods on the voyage to Bristol. Besides you were master of the ship, and the damage was sustained through your own personal negligence and wrong doing."

A. Objects (*demurs*) to the *form* of B.'s statement, and the Court decides it to be bad because it is *special*—that is, the facts stated might be given in evidence under the general issue; but unfortunately having pleaded specially, the defendant had not the opportunity of proving any defence; judgment was

\* This defence rests on the principle that one partner cannot sue another at law in respect of partnership accounts.

given against him by reason of his pleading improperly; his pleader's skill alone was tried: that having failed, his own case is debarred any hearing or trial.

There is a class of peculiarly commercial cases, of great importance, in which special pleading, first required by the new rules, has, we apprehend, had a mischeivous operation. We allude to bills and notes in the character of negotiable instruments, and particularly to cases in which the title of the holder is fraudulent, or tainted with grave suspicion in consequence of fraud in the course of negotiation, or where the party charged to pay, has been defrauded and consequently ought not, according to substantive law, to be called upon to pay but by some one having a *bonâ-fide* title. Now until special pleading was required, the investigation was unrestrained by predetermined special issues, and, on that account, in every respect more successful in the discovery of the truth in cases of fraud, than the present practice, which obliges the defendant to trace in detail by pre-statement the successive transfers to which he objects, and the grounds of his objection to them. True it is, that, under the old system, the party to a bill was held *prima facie* liable, on mere proof of his handwriting, and he was obliged to prove a fraud or something of tantamount effect committed *upon him* before he could resist payment: but having done that—which he could do because it was within his personal cognizance,—then the holder was called upon to prove the validity of his acquisition: and this course of proceeding was reasonable, because it obliged him to bring before the jury, and to treat as *his* witnesses those on whom he relied to establish his title; but now the defrauded party, the defendant, is not only obliged to prove the fraud on himself, but he must pre-state and prove that, and also the infirmity of the plaintiff's title: as that the plaintiff had notice of the fraud, or was not a holder for value, or not the *bonâ-fide* holder, and this merely in consequence of the employment of special pleading. And we may mention as another proof of the unfitness of special pleading for cases of the kind, the multiplication of speculative or conjectural pleas to which it drives the defendant, by obliging him to anticipate the evidence, of which evidence, coming at it often does from strangers, he can get no pre-statement. All he knows is, that the bill was obtained from him by fraud; but from A, who obtained it from him it passed to B, from B to C, from C to D; and about these transfers he knows nothing, yet he must shew by pre-statement wherein they are bad: and thus, the investigation, which the public have an interest in making, is ren-

which has no tendency to advance the real interests of the Client. The Court, however has, I hope, effectually remedied this evil by a late expression of its intention for the future with regard to the costs of special Demurrers of this character."

This passage, when analysed, presents, first, the singular opinion that a system which was peculiarly intended for the mixed Tribunal of Judge and Jury and differs from the systems of all the other contemporaneous tribunals, is not peculiarly adapted for that tribunal, and yet it is not employed in any other. Secondly, that the "substance" of the system is well adapted for the Supreme Court; but what is deemed the "substance" of a system of procedure, which dwells entirely in details, does not appear unless it may be collected from the reasons given. Let us then examine these reasons which disclose the substance of the system. (1) "It throws off the admitted facts." This it does not, in the apparent sense of the expression, for it is a fundamental rule that facts not expressly *denied* (*put in issue*), are only not in dispute, and that the passing them over without denying them, has not the effect of an admission. (2) "It brings prominently forward the disputed facts." This it only sometimes does, often does not at all, but substitutes for facts, as we have shewn, mere legal constructions, i. e. fictions. Besides, as between different systems, on a question of their comparative merits, this abstractedly is no peculiar merit, because by every system the disputed facts must be brought forward at some time or other, or there never could be a decision upon them:—the manner, the time, the cost of bringing them forward, are the true points of consideration; and as to the manner, the time consumed and the cost of special pleading, we have already shewn, in all these respects, that it is worthy of all condemnation. (3) It "prevents any uncertainty on either side of the facts on which either side relies." It does this only where the issues are on matter of fact and special—while, on the other hand, complex issues, involving a variety of facts and circumstances under one general form of expression, issues can mere legal constructions, leave both sides in uncertainty (so far as the pleadings are concerned) as to the facts on which the other relies. (4.) "It is very much the mode in which any sensible man in any domestic forum would apply himself to the settlement of any dispute referred to him." Then there is no difference between the natural and technical systems; but there is a difference, and unless the opposite parties have mistaken their ground this is true only of the natural system.

It is unnecessary to examine the passage quoted further in detail; especially as it does evince some sense of the faults

(which we have proved) of the system; and as to their being remediable, we are entirely of a different opinion: the hoof of the camel, the horn of the rhinoceros, the trunk of the elephant, the hump of the brahmani bull, are not more characteristic and distinctive, than are the faults alluded to of written special pleadings; and this is perfectly apparent from the remedy which has been provided for them:—"the Court however has, I hope, effectually remedied this evil by a late expression of its intention, &c." and what is the remedy? Does it affect the judgment of the Court on objections of form when submitted to its consideration? No. The Court allows the same scope for such objections and decides them, as it always has done, according to the English practice of which we have given illustrations. Does it, then, disallow costs to parties successfully taking such objections? No, the contrary: generally allows them; the fault of not dotting an *i*, or of putting a full stop in a wrong place, entails the penalty of costs, if the erring party desires to *amend*,—and amend he must generally or lose the advantage of his pleading. Then, what is the remedy? That if he does not want to amend, if he can dispense with the pleading which has been declared bad in form, he shall not pay his opponent the costs of bringing him up to be taught to mind his dots and commas. So that, the remedy comes to *this*;—it leaves subject to a forfeiture of costs, him who by a strict adherence to the new Rules, has only a single count or plea for one defence or cause of action, while it relieves from that forfeiture him who has violated those rules by double pleading, and by reason of that violation can dispense with one of his pleadings.

Before we conclude this subject of Special Pleading we will endeavour to illustrate the general character of its statements, and will take for this purpose the simplest of all cases where there is the least possible excuse for refinements, viz. the special pleadings on a tradesman's common book debt. The tradesman goes to the attorney who informs himself in precisely the same way, in which the judge might as well be informed of the nature of the claim; and then, either he, or a special pleader,—here a barrister, for him,—puts the case into the language of special pleading. Of the pleader's or (Indian) barrister's form and its niceties some idea may be formed by an abridgement: the pleader makes the following statement:—

"The plaintiff complains that having sold and delivered to the defendant goods to the value of £ ———, the defendant, nevertheless, has not paid for them, but refuses so to do." By common sense, sufficient; but nevertheless, wrong! or, as the

lawyers say, "demurrable;" and "demurrable" means, we wont go on, nor say one word as to the merits, until we have a better statement. The pleader should have further stated that the plaintiff sold and delivered the goods "*at the request of the defendant*;" he should also have stated that the defendant "*promised to pay for them*;" and that the defendant was requested "*to pay for them*;" and all this, though the obligation to pay results, by substantive law, from the fact of the sale and delivery, and a promise to pay is immaterial, is often not made, is implied, and no request to pay is necessary nor demand of payment. Thus, what are not facts, but mere fictions of law or legal constructions are made material, and the omission of any one entails the same consequences,—a demurrer,—as the omission of all of them.

It has been well said that the public conscience of the laws is outraged by these kinds of objections; they are of no use at all but to give employment to the profession, and that they do, but much after the old pauper system, of digging holes for the mere purpose of filling them up again at the cost of other people. This is not alone our condemnation; Sir Henry Roper, no rash reformer and probably an unwilling one, says:—

"The cost of litigation in a great measure arises *from its being for the interest of professional men to protract pleadings and to multiply incidental proceedings*. I have often thought this evil might in some degree be *remedied* by intrusting the framing of pleadings to an officer of the Court."

We have described the plaintiff, that is, the pleader's mode of stating a common book debt. Now let us see how he states the defence. Suppose it to be, that the defendant admits there was a sale, but says that the goods were not delivered, (e. g. they were sent, but lost on their way;) or, that he admits there was a sale and a delivery, but says the goods were not those he purchased, and hence that the dispute is whether the defendant is liable to pay for what came to his hands, as being accepted; and whether in fact there has been an acceptance; and suppose this question to be complicated with another; as, whether the original contract for other goods was waived, and whether that was a valid contract under the statute of frauds. Now for one and all of these facts, singly or collectively, issues of fact they really are, the pleader has but one form of expression:—the defendant says, "he did not promise." This is his *issue of fact*; the boasted result of special pleading: really no issue of fact at all, but a construction of law; or as Sir Erskine expresses it "facts and law jumbled together." The defendant told his attorney; "Sir, I did purchase the goods, but they have never

been delivered." The attorney says, "then you did not promise?" "Yes, Sir, I did," replies the client, "there certainly was a contract, which is, what I understand you mean by a promise, and I believe goods were sent, but they were not the right." Or, let the case be that they were lost on their way: "Don't tell me," rejoins the attorney, "I know better than you, you did not promise:" "very well, Sir, I don't understand law, I leave it to you." Does a jury, the appointed tribunal for this issue of fact, the fellow tradesmen of the parties, understand law one whit better? Do such pleadings inform the court of the legal points involved any more than of the facts? Then what is gained by this process? It has not accomplished what special pleading professes to do, but leaves it to be accomplished in an open inquiry before the jury. But it has done this: it has rejected the principle of *truth* from the inquiry; it has set aside as nought and not to be regarded every admission made by the plaintiff, every admission made by the defendant, to their respective attorneys, and which they would be willing to make, or would, as of course, make to the Judge. The plaintiff is put to prove all that is denied by the pleader; and therefore, not only is special pleading wholly in default as a statement either of facts or law, but, merely in virtue of the system, the question which the parties wanted to have had decided may never after all get to either Judge or Jury.

The drawer of a bill of exchange served a writ on the acceptor, and when he came to state his case, which was simply a demand of payment of a bill of exchange, said, "Sir, you know the bill is *due*, pay me:" the acceptor (*demurs*) and thus explains his reason:—

"You ought to have stated, Sir, not that the bill is *now due*, but that it was due before your writ was issued." The drawer of the bill, very naturally thinking this a frivolous objection, applied to the Court to set it aside, but the Court refused so to do, telling him he had better amend his plaint, in fact treating it as a good objection. We do not question the rectitude of this decision on legal principles; but we must condemn the system, which, for a moment, entertains such an objection.

A tradesman sued a customer for the price of some goods, and in stating his demand used the following turn of expression:—"Sir, on the 24th of October last, you were indebted to me £ ——— for goods sold and delivered."

The customer objects (*demurs*) and with considerable show of legal reasons insists, that the plaintiff ought, in his statement, to have said, whether the 24th October was, or what other



was, the day of the sale and delivery. All four judges took part in considering this objection, which they over-ruled: but what must we think of the system which adjourns for so serious a consideration so silly an objection.

Again,—*Tradesman to Customer* “Sir, you are indebted to me £20 for goods sold and delivered.”

*Customer.* “Sir, I never was indebted at all to you.” On these allegations, the case went to trial, and there a question was raised, whether on such a plea the customer was entitled to prove that the credit had not expired when he was sued. The Court of Queen’s Bench held he was not: The Court of Exchequer, on the same question in another case, that he was. The debts in both cases were under £20, and thus, besides the time lost, probably the whole amount in dispute was spent in discussing this mere question of the *construction of the pleadings*: the question arose entirely in consequence of the employment of Special pleadings. Here we have the *system* raising a doubt, whether a person sued for a debt is entitled to prove in defence that the debt is not yet due, and the two principal courts in the kingdom coming to opposite decisions.

To bring home this matter to men’s business and bosoms we will suppose the suitors themselves to have the working of the system, while the lawyers merely prompt and direct them.

For this purpose we will assume for the *dramatis personæ*, Banker and Customer; Scene the Bank parlour; the language, common speech, only incorporating technical objections.

*Banker, to Customer (Sues; in legal phraseology, making his “plaint.”)* “There is an old loan outstanding; we lent you £1,000 on securities which we afterwards allowed to be withdrawn: the period of credit is expired, and we desire payment.”

*Customer.* Very well, Sir, there was a loan I know; is that all you wish to say on the subject?

*B.* Yes.

*C.* (Puts in a “*demurrer*.”) Then I must tell you, Sir, I will not pay you upon that mode of asking, nor till you have asked me in a proper manner.

*B.* Do pray, Sir, explain yourself. Have I lost my senses or have you lost yours? I have told you, ‘we made a loan of £1,000 and that the time of credit is expired; and that we wish you to pay us: what do you mean by asking you in a proper manner?’

*C.* (States *Special causes of demurrer*.) Excuse me, Sir, I keep at home a very acute person, called a Special Pleader; who assures me that if a creditor asks for payment of a loan,

he should describe the loan as lent "on request," and that the debtor needs not pay on a simple statement of the fact of the lending.

*B.* Oh! is that it? Very well: excuse me; but your acute friend is not a man to help on business; however it makes no difference; we will say just what you wish; only do pay us. (Here the Banker amends his complaint as suggested.) "We lent you £1,000 on request; pray do pay us."

*C.* But, Sir, there is another thing I forgot: (suggests another special cause of *demurrer*) "you have not said, that *I promised to pay you "on request."*

*B.* Why man, what do you mean?

*C.* Pardon me Sir, I am sure you respect the laws: and I only tell you what my acute friend the special pleader tells me is necessary; I thought it was unreasonable, but he assures me it has been so decided by all the judges.

*B.* (*Amends his complaint again, to get his money.*) "Now then pay me."

*C.* Certainly; but I must deduct £20 for my friend, the Special Pleader, behind the scenes, who taught me how to correct your mode of asking for payment.

*B.* (Losing all patience.) Why, Sir, it is worse than the black mail of olden times (*Customer*, interrupting him, "call it the black mail of the law if you please,") when men quietly suffered part of their chattels to be carried off, for the sake of keeping the rest and getting rid of the banditti.

*C.* True Sir. But bad policy that; better to resist. (*Pays the debt and walks off.*)

But the same system furnishes the same sort of weapons to the Banker.

*Banker to Customer.* "We have lent you, Sir, £10,000: and we wish to close Accounts."

*Customer.* "£10,000. Why, Sir, that is the aggregate of all your advances ever since I dealt with you; there is a small balance, I know, and but a very small one."

*B.* Why, Sir, we know the forms of law throw great difficulties in the way of creditors, and especially of bankers: and owing to these forms we must leave you to discharge yourself as you can: you know the balance; pay us that and we shall be satisfied.

*C.* (Pleads payment) "I have already paid you."

*B.* (Puts in a *demurrer*.) "Well, Sir, that will not do."

*C.* "Why not, Sir. Do you deny the fact of any payment?"

*B.* Oh, no, Sir, but I keep a lawyer at home, a Special Pleader, who tells me that when you said you paid the debt,

you ought at the same time to have confessed that the debt had existed.

C. "Is that your objection, Sir, to the assertion which I make that I have paid you."

B. "Yes."

C. (*Amends.*) "Very well, Sir, any thing for a settlement."

B. "That will do; but you must pay me £20 for the Special pleader who has taught me how my customers should plead when they say payment."

C. (*Aside, Sotto voce*) "Oh! you simpleton, to put yourself into the hands of a lawyer; while you have been discussing my form of speech, you have been postponing the final settlement of accounts. I know you wealthy and respectable: these lawyers make us all by turns rogues to one another."

Managed by a professional class, the system is a learned mystery, and is tolerated by the public in ignorance. The priests alone of the legal temple have been permitted to be seen; but now, at last, the veil is partially rent in twain, the shrine is half open, and what is revealed is a false image of justice, hollow and worthless as a painted idol. We appeal to the morality of the age, to its enlightened, liberal, humane reason against such a system. It belongs not to an enlightened age; nor in its present state is it conformable with the original invention. It is not what it was in the hands of the schoolmen. It is a corruption of language, an abuse of art, a misnomer of science; only not a shame and disgrace to society, because to society it has been an occult science; but revealed now, we are entitled to say, "Reflect, you Bankers, merchants, tradesmen, you men of honor and you religious men; suffer no longer to be perpetrated in your names and at your expense the vices of a system which are abhorrent to your love of truth and all your good and just principles; there is not one of you that may not at sometime be involved in litigation; we have put in an intelligible form what your agents, as of course, say and do for you; would you do it yourselves?"

We come next to the subject of EQUITY PROCEDURE, of which Sir Erskine Perry first gives a general description, and then illustrates it by a case on the Equity side of the Supreme Court at Bombay, finally decided by himself after ten years and a half of litigation. Yet it was a commercial and common sort of case; a claim of between 2 and 3,000 rupees (£2 and £300) upon the estate of a deceased person.

Sir Erskine notes the several stages of the suit: first, a bill filed: then defendant's answer in which he admitted the claim, but alleged that he had no assets of the testator; next,

a better answer; then an amended bill; then a new answer; then an amended bill, answer, replication, rejoinder. So far pleadings. Next the cause was argued and reference to Master decreed; master's report made: to which defendant excepted: exceptions argued and overruled; and then further reference to master decreed: master's second report, to which, as to the first, defendant excepted; defendant's exceptions argued and overruled; and final decree for plaintiff.

Now as to one principal point,—the claim,—how really unnecessary this complicated procedure, is evident, when we reflect that it (the claim) was admitted and would at once have been recorded as admitted, if the defendant had been summoned; and a mass of statement, of interrogation founded on it, of charges and of pretences, and consequently of expense, would thus have been saved. And then, as to the point really in dispute,—whether the executor (defendant) had assets of the testator,—it was twenty months before the creditor (plaintiff) could elicit from the defendant all the information he was entitled to have from him by *answer*; and ten years before he obtained the Report of the master. Now, by the natural procedure the defendant would have been summoned, and he must have answered as to assets immediately; the examination being *vivâ voce*, would have obtained in two hours all the information, obtained only by three bills and four answers; and then the case would have been adjourned under regulations, and at two or three meetings, in two or three weeks or months, the evidence taken by the judge himself, and a decree made in a few days or weeks afterwards.

Sir Erskine indeed well observes:—

“If the case above cited had any extraordinary circumstances connected with it, it might be safely passed over as anomalous; but it is not so, it was a mere debtor and creditor controversy, and under a simple well regulated system of procedure, it ought not to have lasted more than six months. If the plaintiff and defendant had appeared in Court on the first day of the suit, it would have been evident that a decree referring to the master must be made, and three years and a half of litigation would have been saved at once, and if the witnesses had been produced in court on any day or days after the first six months, all the facts on which the case subsequently turned might have been proved, and the same decree made, which it cost ten additional years under the present practice to obtain.”

Sir Erskine has not stated what sum the costs amounted to: by the lowest estimate we can make, the plaintiff must have been called upon to advance Rs. 1 200 (£120) for fees to Counsel, and probably half as much to reimburse the Attorney for office copies of proceedings and *translations* of papers. A more grievous tax we cannot conceive. And the case is

worse where the litigation concerns the enjoyment of property: whilst the parties are left to the same routine of interminable procedure, the Court put its "broad arrow" on the property; sells, leases, lets it go to ruin at pleasure. An equity suit at once destroys a great part of the commercial or exchangeable value of property. And scarcely a pice will the Court part with, without a motion by counsel: and oftener than not, a reference to the master; and then the master reports, and counsel moves again; and often at last as much is paid out for costs as is ordered to be paid to the party. Thus it is, that hundreds of wealthy families are ruined by Equity procedure; they look at the magnitude of their property, they forget to deduct from it one half as the tax inexorably levied for procedure, and suppose themselves just twice as rich as they are; and to crown the whole they can never obtain their instalments either when they want or are entitled to draw them. When will this game of law be properly understood by society? It consists in treating the separate interests of different members of the same family, of brothers and sisters and nephews and nieces, &c. as hostile, and playing them off against one another. Barristers, and attornies from the first, and now and then at last, some of the more reflecting of the unfortunate parties themselves, understand the game; and we fear no contradiction in saying that the surest annuity out of the richest estate is that secured to the lawyers by Equity procedure.

Sir L. Peel is equally enamoured with equity procedure, as with common law procedure, and has described in considerable detail two cases, one an English the other an Indian one, and cites them as quite beyond the capabilities of the natural system. To us, desiring only the most sound improvements, tests of this kind are particularly welcome, as more striking than abstract reasonings; they are so seldom resorted to, only because few persons are capable either of selecting or applying them; the present controversy ought to be memorable from the prominent introduction of this species of argumentation. The cases selected are equity ones,—selected from that class probably because they are generally regarded as more difficult; which, *in their own nature*, they are not; and if they are more difficult as subjects of practice, it is only on account of the cumbrousness of the machinery employed about them. Sir L. Peel introduces the cases in the following manner:—

"I will first select the case of *Few and Guppy*, a case of no particular complexity. In that case a vendor filed his bill for a specific performance of a contract of sale of real estate. The vendee had been let into posses-

sion ; and being in partnership with others, they had dealt with the property in the affairs of their partnership in a manner which it was said was injurious to the estate and permanently diminished its salable value."

Such is the case so far as the facts are concerned.

Sir L. Peel thus proceeds :—

" This (state of facts) was relied on by the plaintiff, not as the ground for compensation in case it should appear that no title to the premises could be made by the vendor, but as evidence of a waiver of title and the acceptance of the title such as it was."

Sir Lawrence then comes to the *experimentum crucis*, first on the supposition that the party who has such a case as the above, is without the means of obtaining professional aid, and afterwards on the supposition that he has such aid. But it will be better to present the hypothesis in the author's own words :—

" Now, I will assume that the plaintiff in such a case had no means to resort to professional aid, and that the Judge alone could furnish him with the aid necessary to the institution of his suit in its most advantageous form."

We will not stop to inquire what is meant by having " no means to resort to professional aid,"—whether it refers to the poor man who has no money to pay institution fees or fees of attornies or counsel, or to a local dearth of professional persons : be that as it may, the hypothesis is not an imaginary one ; but what we have to note as particularly important is, that it involves the following assumption ; viz. that the natural system opens the doors of the Court and makes justice accessible to this class of persons,—a class debarred by the present system, as much as the man without his gold mohur or guinea is debarred from dining at the London Tavern, or taking up his abode at Spence's Hotel. That such persons may find themselves at a great disadvantage in comparison with others is clear ; but that circumstance is not chargeable against the system ; and the argument founded upon it really comes to this, or is worth nothing, that those who have not the means of resorting to professional aid ought not to be allowed (as practically is the case under the technical system,) to institute a suit for the establishment of the rights which by substantive law belong to them.

Let us next give the very picture drawn by Sir L. Peel to illustrate the misfortune which that numerous class would suffer if the Hall of Justice, now so inexorably closed against, were opened to them—

" The plaintiff would have but an imperfect notion of his rights, but would resort, in the first instance, to the court. The Judge, supposing him to be quick at ascertaining facts and able to evolve them from the confused statement which would probably be made to him, with his faculties alive to guess at facts either studiously concealed or omitted from inadvertence,

and above all, having leisure to conduct this investigation, would at length become acquainted with all or the most material of the facts of the plaintiff's case. Upon that he would have to consider, first, whether a good Title had been waived; if not, whether a good Title could be made, a question often of very considerable difficulty; upon that he must either decide rapidly and perhaps erroneously, or he must take time to consider it, but decide it he must, in his own mind, in that early stage of the cause, and *ex parte* before the suit can be instituted. Let us suppose that he thinks a Title can be made and the suit proceeds on that supposition, being prepared under his directions in the proper form. At the hearing, the defendant being like the plaintiff, *inops consilii*, would not have the means of shewing that the Judge had mistaken the Law, that he had overlooked this authority or misunderstood that, but still he might, if he were an intelligent person, bring certain facts to the Judge's knowledge or to his attention which had been either unknown or not sufficiently attended to before. The Judge whom we will suppose to be honest enough to correct his error, which I believe to be no violent supposition, would dismiss the suit prepared under his own advice and in the mode in which he had prepared it. Would this be likely to inspire confidence in a Court, or to give satisfaction to the public and the suitor? But suppose him to decide in favor of the plaintiff's claim, would not the defendant declare that his case was prejudged before it was heard: and that the plaintiff having first gained the ear of the Judge, had irrecoverably biassed his mind against the defendant. Let us suppose on the other hand that the Judge had thought that no claim of Title could be made. Would the plaintiff be contented? He would himself be unable to bring the question properly before the Judge for want of legal knowledge: would he be confident of the infallibility of the Judge? He might have thought under legal advice whilst he had resort to it, that, as a good Title which the Judge thought a bad one. Whatever his dissatisfaction he must acquiesce; there would be no appeal, and his suit would then be instituted as for a compensation, and in that suit other parties would have to be included, and its termination would be protracted by questions in which he would be unconcerned. But above all, it would not be the species of redress at which he aimed, and to which he thought himself entitled. In like manner as in the preceding instance new facts or new views of them might, even under this aspect of the suit, bar his recovery, or limit it. The decision would be subject to the same reflections as in the preceding instance. Again, in such an aspect of the suit, not only would the plaintiff's claim for compensation have to be considered with the deductions, but the claims of the parties liable to the plaintiff, to be adjusted *inter se* with all the various questions arising out of partnership transactions and to a certain extent, these must be determined upon in an early stage of the suit."

We do not admit this to be either a good likeness or a good caricature of the natural system; but, passing over its faults both in form and coloring, and examining it dispassionately, we must say that it is adapted to make an impression rather in favor of, than against the natural system. For, besides that it exhibits a party in Court suing for justice, who has not that common right at present, it represents the Judge as having arrived at the true and proper question, the question attained with so much difficulty and at such enormous cost by the technical system. Sir L. Peel then being the Judge in

the application of his own test, the natural system has had a safe deliverance; though the Judge has also been prosecutor witness and counsel; otherwise he would not have so entirely misrepresented the question which the supposed Court has alone to decide on an application for a summons, and which would be, not as represented, whether the applicant had a good title, but whether there was a case for a summons; and therefore the objection that the Court would decide *ex parte* at this early stage, is a mere figment of the imagination. And, as pretty nearly the same, must we hold the objection to the Judge's preparing the suit "in its proper form:" which terms are not at all applicable to what passes on granting a summons, and not appropriate to the function of the Judge even at the preliminary investigation: though were it so, that he did prepare the suit, considering the hypothesis which forms the starting point, that the parties had no means to resort to professional aid, it would not be a just ground of objection if a suit were necessary and it required formal preparation: for preparing the suit would only be predetermining the questions to be decided upon and the method to be employed in their investigation.

Having succeeded, as we hope, in proving the competency of a Court of natural procedure for such a case without the aid of Counsel, it appears almost a work of supererogation to consider its efficiency when aided by Counsel; but the reader may desire to see Sir L. Peel's observations: He says,—

"I will next consider the case on the supposition that the plaintiff has the means of access to professional aid in like manner as he has at present:"

And then come the objections,—“His (the plaintiff's) Attorney would collect the facts from him: would elicit those not originally communicated, and would then lay his case before Counsel, who would, after looking into the authorities, and anxiously considering the case on his own responsibility, advise a particular course of procedure:” good: so far it is the course pursued in important cases under the existing system. “The resort would then be to the Judge;” that is; for a summons: “now in such case what would his functions be?” We have described them: the reader has our answer to this question: the Chief Justice puts it not to answer, but as a prelude to other questions: “Is he” (the Judge) “to be the mere scribe or entering clerk to put in a legal form what the Counsel directs to be done? Is that likely to degrade the Judge or not?” The Judge is not degraded, nor converted “into a mere scribe or entering clerk,” who sits to hear Counsel apply for a summons, any



more than a Judge of the Supreme Court can be said to be so when sitting to hear the motions of Counsel. "But the barrister would insist on seeing that the suit was rightly instituted, and that his directions had been complied with, and his demand would be reasonable and just; the judge then would be subordinate to the Barrister." Not at all. The privileges of the Bar would not be enlarged, and it was never before said, that those privileges placed the Bench in subordination to the Bar, nor will the Barrister have the right to insist on more than he can now, a hearing for his client. "But if the Judge is to exercise a judgment, he must then examine into the case, and review the opinion of Counsel." Yes, he must, so far as to be able to say whether he will grant a summons: generally Counsel will have little more to do at this stage than ask and have, the application being simply for a summons. The rest of this singular piece of argumentation we would give entire but our space will not permit: but the rest like the above, we deem quite unworthy so learned and able a person: shots at random are not wider of the mark: nor he more out of the way, who, wishing to go to the Sand-heads, takes his course up instead of down the Húgly. The functions of counsel in a court of natural procedure will be precisely what they are now. Counsel moves for a Rule, explains the grounds in fact and law of his application: and the court refuses or grants the rule, and so would at discretion refuse or grant a summons. The danger most to be apprehended would be too great facility in granting summonses. Parties would not necessarily go away dissatisfied with a refusal; many would be tentative applications; and Suitors and Counsel well know they are not always right, nor always select what is best even for their own objects: they do reflect, and respect a court the more for administering the law according to its own abstract, impartial, elevated view of it.

We will now give our view of the operation of the natural system of procedure in such a case.

By the natural system, the seller would go before the Judge for a summons: on the day fixed, the parties would appear, and in the presence of the Judge there would be a preliminary investigation: each would make his own statement; the Judge would first perceive the cause in rude outline; as that it was about a contract of sale and certain premises in the possession of one of them: that the parties before him were respectively the seller and buyer: the contract probably would be handed up to him: he would perceive there was no difference about the price; that the purchaser had been let into posses-

sion: that there was a difference of opinion about the Title; and a further difference as to the right of the purchaser to object to the title, in consequence of the manner in which he had used the premises since he had come into possession: there would be a great deal of talk about new buildings and alterations. All this, and much more would pass at the preliminary investigation; a discussion would then as of course arise as to what questions should be adjourned and would require formal decision. The Judge would observe what facts were disputed and what not. If he classed them wrongly the parties would correct him. Both parties would agree that one question was, whether the vendor had a good title. As to the manner in which the purchaser had used or altered the premises, that would require further investigation; in short, a formal trial: these therefore would be the adjourned questions. The Judge not "cribbed and cabined" in a common law jurisdiction, or in an equity jurisdiction, would open the code of substantive law in his full competency to disclose all the rights written therein, and would shew the parties their legal relations; and he would fix a day for the parties to attend to investigate the question and receive his decision. Probably the investigation would be considerably narrowed by a little more or less of preliminary sifting, and as to the question of title, probably, a statement in the nature of a special case could be prepared at once, so as to leave nothing but a legal argument. The parties would discover from the nature of the procedure that they could gain nothing by chicane, and that they would save their own time and diminish the trouble of the Judge by admitting facts which could unquestionably be established by evidence.

The second case stated by Sir L. Peel is known in Calcutta as the Gonsalves case: we will give the learned judge's own statement of it:—

"I will now select a case lately under the consideration of this Court. On a settlement upon a marriage treaty, the mother of the intended husband having a considerable real and personal estate, conveys by one Deed to which the intended husband and wife are parties the real estate to Trustees in trust for herself until the marriage in fee; upon the marriage to herself for life, remainder to the husband for life, or until he should be adjudged Insolvent: and after the death of the husband or that adjudication, to the wife for life using words of Limitation of a singular and ambiguous character; with other limitations over. The personalty was conveyed by another deed to the same Trustees upon nearly similar Trusts, but with a variation of language. Both these Deeds were very unskillfully framed, and the meaning of the limitations to the wife was by no means clear. The marriage took effect. The husband was adjudged Insolvent in the mother's life time. A divorce, a *Mensâ et thoro*, took place between husband and wife. The

mother died. She left property to her son who paid to the Assignee under his Insolvency the amount of all the debts, and claimed back the Estate which the Assignee had claimed. The wife insisted that the Estates were her's under the shifting clauses. Her claim was resisted by the husband. She filed her Bill."

Such are the facts. The questions which arose are stated as follows :—

"The questions that arose were, did the Settler mean an Insolvency after her own death, or an Insolvency at any time? What effect had the cesser of the Insolvency? Did the wife take any Estate in possession immediately on the cesser or was there a resulting use and trust to the Settler, and if so, in whom, was the present interest? If she took a present interest, was that subject to the *jus mariti*, and so the property of the Assignees? And if so, had she a claim for a settlement and to what amount. Now let us suppose the parties stripped of professional aid."

Now, with a view merely to testing the system, we do not object to the supposition of parties being without professional aid in such a case, though it is highly improbable, for there was a clear estate of three or four lakhs (£30,000 or 40,000); in fact all the costs were paid out of the estate; and in such cases it is a common practice to make the property pay the costs of all who have reasonable grounds for joining in the litigation; a court of natural procedure would have the same power to direct the costs to be paid out of the estate, as a Court of Equity has at present.

Here follow the objections which Sir L. Peel makes on the supposition that the parties are without Counsel :—

"Let us suppose the woman to become acquainted with her rights, she would necessarily be ignorant of the extent and actual state of them. The Assignees and husband would scarcely be wiser. They all or some one or more of them resort to the Judge. In such a case how hazardous would be the position of the parties. A judge, unaided, could not probably on the mere view of the facts, unless he were singularly gifted with knowledge, diligence, and patient investigation, discover on the first resort the points on which the decision of the cause should turn. Is it too much to say that he might never discern them? It is the consequence of an argument at the Bar sometimes to direct the attention of the Court to points which may have escaped the attention even of Counsel. A case clear on the first view of it, and in which the difficulties are concealed from view would in such a tribunal as that which Sir Erskine Perry recommends, be almost invariably decided on first impressions. A Judge, with no criticising public, and few, save professional men, are competent critics of the decisions of a Judge, would be in the greatest danger of falling into a careless and hasty decision of causes, and I should fear that few could be found whom it would be safe to intrust, especially in a country like India, under a system such as that which I am considering, with the discretionary and irresponsible powers with which it would intrust them."

Now it is not suggested here, as it was in the other case, that the parties would have any difficulty in obtaining a summons.

The judge would at once perceive it was a case of some importance, and probably at a glance would perceive from the most crude statement, that it was a dispute about the operation or import of clauses in a marriage settlement, considered in relation to the circumstances mentioned. The summons being granted and the parties before the judge, a preliminary investigation would take place: there would appear to be several facts which were undisputed: e. g. that the parties were as represented; husband, wife, official assignee, and trustees: that the husband had been an insolvent: that the insolvent's mother had since died and left him property out of which his creditors were paid in full: that the husband and wife were separated: that there was a marriage settlement, and no dispute about its identity, genuineness, or execution; and finally, that in consequence of the husband's insolvency the wife set up a claim under the deeds to property claimed by the husband.

Now all this would appear upon the preliminary investigation; and under these circumstances the judge would have to fix a day for the hearing, and to regulate the further proceedings. Each party would be asked if there were any further facts, and any facts at all on which they wished to offer evidence. The judge would endeavour to do his best; it would be a hard situation to be placed in, but no fault that of the system. Perhaps he would say, 'I cannot make up my mind at once what are the precise points of the case,'—but decide he would,—a merit which could not be predicated of the existing system, which would not let the case get to the judge because the parties had no means to resort to attorneys or counsel.

Let us now suppose that the parties are aided by Counsel; and see how great is the advantage of bringing the case before the judge and giving him a regulating power at a preliminary stage of the proceedings. As the admissions shewed that the official assignee had no interest,—(for the creditors had all been paid)—the Court would dispense with any further attendance by him, his Counsel, or Agents: next, as it would appear that the wife's interest was protected by the trustees, it would be declared unnecessary that both wife and trustees should be separately represented by counsel or other professional persons at any subsequent proceeding: and finally it would appear that the ends of Justice would be answered by having the case heard much as "a Special case" is at present.

Now having arrived at this stage let us pause and observe some of the evils of the technical system which have been

avoided by the preliminary investigation. All questions (costly ones they are) have been avoided about the *parties*, as, which are proper to be made plaintiffs, which defendants. Next there is no long bill framed on the hypothesis of every single fact being in dispute, when the reverse is the case. Next there is no long formal answer required from any one. A note of the judge has dispensed with whole acres of statements, interrogatories and answers in writing. The official assignee had no interests to protect: and would not be allowed to follow the procession of the cause through every stage, as one of the actors from beginning to end, and to be represented at the trial, by one, or by two, counsel. Although the wife's interests were protected by the Trustees they were represented by separate, each, two Counsel: thus, out of a case really lying in a small breadth and compass, seven Counsel, as we are informed, were employed and seven briefs manufactured, whereas the Court of natural procedure soon brought the matter to a Special case; and Special cases of the most difficult kind are argued by only one Counsel on each side; a second sometimes, not always, attends to take notes of the argument.

Let us next turn to the communication of the Chief Justice of Bombay, Sir Henry Roper, who has entitled himself to the public gratitude, for his exposition of facts, candid appreciation of faults, and liberality in the suggestion of remedies on the two principal subjects of Special Pleading and Equity procedure: and, at the same time, he is an independent witness on some points about which the other judges appear to differ. If heads had to be counted we should number Sir Henry in the same class of law reformers as Sir Erskine Perry. About all the circumstances which create the necessity for reform they agree. The equity changes which Sir Henry suggests are near approximations to the natural procedure. They agree also about the cost of litigation: Sir Henry condemns it in very strong terms, and as to its *cause*, says very pointedly;—"The cost of litigation in a great measure arises from its being for the interest of professional men to protract the pleadings and to multiply incidental proceedings." The remedy which Sir Henry suggests is fairly deducible from this view of the evil; it is, to substitute official for professional agency, and divest the former of all interest in protracting and multiplying the steps of procedure. Sir Henry would have the pleadings framed by an officer of the Court, with an option to the parties to prepare them, but at no greater cost as between party and party than when the officer frames them. Our objection to this is, that if the greater costs are reasonably incurred, the

adverse party failing ought to pay them; and if they are not reasonably incurred they ought not to be allowed even against the client. Sir Henry thinks it might be advisable to allow a fixed sum for each stage of the litigation. But if the procedure were rational and intelligible, professional remuneration might, we think, be left free, and competition, we doubt not, would place it at a just level. With respect to the system of pleading, Sir Henry proposes to discard the abuses, but retain it, as far as it is essential to logically conducting altercations. This is an excellent general proposition, and one branch of it Sir Henry well illustrates by a reference to the simple memoranda which constitute criminal pleadings. The entire pleading of the accused in a case of murder is "non cul," and is sufficient to save an innocent man from hanging. By analogy, in a civil case, the words "never indebted," "payment," "set off," "bankruptcy," "plene administravit," and some fifty others like, would be sufficient. A few general rules would guide the abridgment of pleadings which must be circumstantial, and we would suggest that the plan of the recent act for the shortening of conveyances might be extended to pleading. We would consign the thousand pages of Chitty, the four hundred of Petersdorff, the ten thousand of Wentworth, to the Schedule of an act of Parliament, there to lie without the possibility of resuscitation, and in one short enacting clause give to a marginal abridgment all the meanings and effect intended in these voluminous scribbles. Such changes would put an end to frivolous objections of form: but they do not comprise a preliminary investigation *before the judge*, for the purpose of settling the pleadings or issues, as the Commissioners propose, or as we should prefer, of preparing the case for a formal trial or hearing with or (as the case might be) without issues or pleadings.

Sir Henry disapproves the plan of a preliminary investigation, for chiefly the following reasons:—

"Were he" (the Judge,) "to preside at the oral wranglings of the parties and to superintend the making entries or minutes accordingly by way of pleadings, his authoritative position would indeed invest him with coercive powers: but through excess of zeal or infirmity of temper, when provoked by tricks and stratagems of suitors, he would have recourse to measures of a severe character, or admissions might be in effect extorted. Any impatience or indolence on his part might also produce much mischief."

But surely an officer having in this respect the same functions would be as likely to be betrayed into impatience or indolence, and the consequences, we apprehend, would be worse, for obvious reasons. And then as to tricks and stratagems provoking the judge's severity, or leading him to extort admis-

sions; it is one of the just reproaches of the present system, that it gives unbounded scope to "tricks and stratagems;" they are among the staples of the professional art, but the public regard them in the just light of great moral and social evils, and would deem it a merit in any system to repress or prevent them. And where can a power of this kind be so well vested, for calm and deliberate exercise, as in the judge? "Tricks and stratagems" are the natural fruits of a bad system; the most honest fair dealing suitor, assured that they will be employed against him, is told that he must use the same weapons: and thus the law of procedure is habitually employed in undermining the public morals.

Sir Henry proposes various very important reforms of equity procedure, which are evidently bona fide meant not to prop up but to correct the system. The main object in Sir Henry's view is to shorten the pleadings and to prevent the multiplication of incidental proceedings. "The interrogating part of the bill might be omitted in the first instance;" and an officer might orally interrogate the defendant consistently with the scope and spirit of the bill, and the replies would form the answer: but Sir Henry would give the defendant the option of putting in his answer by the aid of professional agency as at present, under the same restriction (we presume) as to costs, already discussed in relation to special pleading. "Omissions or defects might be supplied by additions to, or amendments of the bill and by interrogatories oral or otherwise." "Witnesses in suits in equity should be examined orally in court as in a trial at law;" and if a point in equity arises in a suit at law, the court should decide it at once, without, as at present, an injunction or other suit in equity. This is a large measure of reform, and a near approximation to rational or natural procedure: indeed, it would be scarcely distinguishable, if the answer were to be taken by the judge instead of an officer, and the like privilege (for such we deem it) were given to the complainant of stating his complaint orally: the consequence then would be, that incidentally, and in virtue of the method of procedure, if not *stricti juris*, the interrogation or examination would be applied to both parties: facts admitted would be ascertained at the least cost or waste of procedure: simple cases would retain their simplicity; and for complex and exceptional ones there is no method within the whole range of technical practice which might not be adopted *pro hac vice*, with all the added advantages to be derived from any of the methods of natural procedure.

Sir L. Peel, though opposed generally to all other Indian Reformers has suggested various changes, in the practice and

procedure of the Supreme Court at Calcutta, and which are entitled to our notice: they have much merit, abstractedly, we admit; but, relatively to the manner and circumstances of their appearance, can only be regarded as obstructive to better. They would, indeed, be some relief from those misapplied exaggerations on the English system so well pointed out by Sir Erskine Perry and the Law Commissioners; but no remedy. To pursue the metaphor;—they might diminish the pain but they would leave the cancer: even the proposal of them may have a mesmeric influence on the public for a time; but, if effected, the operation of cautery would be as necessary for a final cure as ever. But they never will be effected; for they have this capital fault,—they are not supported in any quarter; neither by the Indian Law Commissioners nor by the Indian Judges generally; nor by the Indian Bar; in short, they have done the service of preventing the establishment of the Court of subordinate jurisdiction proposed by the Commissioners; and now, in a great deal of good and bad company, they are deposited in the limbo of Leadenhall Street, where great and small reforms alike are apt to find their doom by the policy of our honorable masters.

Sir L. Peel has comprized his plan of reform in two pages and a half: it is the reform not of a philosophical jurist but of a common lawyer,—the leading idea being, how to extend common law jurisdiction at the expense of equity jurisdiction. Equity jurisdiction he divides in the following manner:—

“The jurisdiction in equity may be divided thus: 1st. Purely equitable; 2nd. Concurrent; 3rdly. Legal but administered in equity.”

And then as to the first, in three short lines, to wit, the following, are set at nought, as appears to us, all the previous argumentations:—

“Where the principles of equity are ascertained and have in effect become a species of law, there is no reason why they should be administered by a separate tribunal, and why they should not be transferred to a court of law.”

There is an end, therefore of the Chancellor's jurisdiction. But, then, when equity is fused into common law, is special pleading to be extended to *quondam* equity questions? Of course it must: for, by transference to common law reasonably must be understood, applying common law procedure to them. But then again, if so, how reconcile with this Sir Lawrence's previous defence and apology for equity procedure.

We need not notice separately Sir Lawrence's second and third divisions, for if the “purely equitable” may be trans-



ferred to common law, *a fortiori* may be, the "concurrent" and "legal."

Sir Lawrence having divided his subject in the manner we have shewn, pursues it into the following details. "Accident and Mistake;" "Specific Performance;" "Trusts;" "Dower and Partition;" "Account;" "Infants and Lunatics;" "Summary jurisdiction;" (though this, instead of being a separate subject, is a method equally applicable to all the preceding). Against "ACCIDENT and MISTAKE" Sir Lawrence would give relief at Law. Well and good as far as it goes; but defective, (as appears from Sir Lawrence's illustrations;) and leaving a resort to equity procedure for the correction and redress of accidents and mistakes in some cases still necessary. SPECIFIC PERFORMANCE might, "to a considerable extent, be effected at Law:"—"to a considerable extent," then, as the phrase implies, a resort to equity procedure would still be necessary. "If a question arise as to title, the court should itself determine the question, *unless the investigation were one of a protracted character.*" Good again; but again under an arbitrary limit, which might be shifted at discretion, and applied either so as to send little or nothing to the master, or all but every thing. "The examination of parties at law would be the substitute for a discovery in aid of a suit at law, *where a ground was laid for a discovery on a summary application to the Law Court.*" Again a right neutralized by the associated conditions: and those conditions more onerous than any existing at present. To restrain the right to as small a number of cases as possible, is the object; while on the contrary, the Law-Commissioners propose to give both parties the right of examining and cross examining each other in all cases, which is the best of all methods of discovery; as common sense would also dictate, and as is recommended by a great party of modern Law-Reformers. TRUSTS should remain subject to the jurisdiction in equity, but then, "a summary process would in most instances suffice, whether the object were simply an account or the construction of an instrument." But "summary process" in the Supreme Court, is only less dilatory than regular; as full of abuses; needs reforms as much; and in the one case where Summary and regular process are concurrent, *e. g.* in motions for an injunction to restrain an action at law, the "summary" parts, i. e. the affidavits, are nearly as long as the bill and answer. DOWER and PARTITION. "The equity jurisdiction on these heads being founded on imperfection of powers in courts of law, there seems no ground for its retention. If retained

however the process should be summary as it is in partition." But summary partition is summary ruin; of the many rich native estates to which it has been applied, not 5 per cent. of five in a hundred have remained for 12 months after a partition, to the litigants. As to ACCOUNT,—“there is no reason why resort should be had to equity, unless the question involves the execution of a trust:” and as to INFANTS and LUNATICS “the jurisdiction should be summary, and instead of a commission of lunacy the court itself should examine the witnesses.”

Such are Sir L. Peel's reforms. We have, as we believe, already justly characterized them; and we come next to the proposal of the Indian Law Commissioners who have drafted an act for a model court of subordinate jurisdiction, first to be established in Calcutta, and afterwards in other parts of India. At present we shall confine our attention to the procedure of this court, though we highly approve, and commend to the notice of Law Reformers at home, the Report containing the exposition of the principles of its constitution. Sir L. Peel takes great pains to shew that the procedure proposed for this court, and the five propositions of Sir Erskine Perry essentially differ. But grant that they do differ: then, we say give us either: but Sir L. Peel objects equally to both; and consistently; for, to us they appear not essentially to differ; and quite sure we are, that Sir Erskine Perry like ourselves would most readily accept the scheme of the Law Commissioners.

The Commissioners require every plaintiff bringing a suit to appear in person before the judge, and, orally or in writing, to lay before him the facts which constitute his claim. They empower the judge to refuse a summons if he thinks the plaintiff has no cause of action; but against such a decision they give the plaintiff an appeal. They entitle the plaintiff and defendant to cross examine each other as to any matter affirmed or denied on either side in pleading; and their method for taking the evidence of witnesses is, a *viva voce* examination.

Now, all these,—the characteristics of natural procedure,—to which indeed the name owes its significance, are embraced in the five propositions of Sir Erskine Perry. Agreeing so far, let us now examine the proofs that they at all differ. The Law Commissioners have condemned special pleading as practised in the Supreme Court, but have praised its principles and utility when conducted *orally*.

They have said:—

“The truth is that special pleading, that is to say, the logical rules which

constitute the essence of it, and which are of universal application, is not only what Mr. Serjeant Stephen calls in his admirable treatise on the subject "a fine Juridical invention," but is the method which ought to be followed in all disputes whether forensic or not, by parties desirous in good faith of terminating their disputes."

And accordingly, in seven short sections and about twenty lines, they have prescribed the manner of carrying on the pleadings. Sir Erskine Perry only has not developed his procedure: he has expressed no dissent from the plan of the Commissioners, and "oral pleading" he has *defended* against Sir Lawrence Peel, without at all indicating any difference on the subject from the Commissioners: they do in fact agree, *as far as appears*, and a great deal of special pleading has been thrown away in arguing to the contrary. As for ourselves the case is somewhat different.

Welcoming most cordially as we do, the plan of the Law Commissioners, willing to accept it whole and entire, we may still, as friends and not opponents, express the opinion, that strict rules of pre-statement will not generally work well; that in most cases they are unnecessary for the ascertainment of the points in dispute: and moreover that no one method is or can be the best for all cases. A regulating power should be given to the judge, as is expressed in one of the five propositions of Sir Erskine Perry: and the only fixed and invariable rule which we would lay down, is, that when the judge comes to *decide* he shall state what issues or facts he finds; and, doing this,—these findings will, as we apprehend, contain all that the parties, rightly advised, ought to have pleaded or put in issue, and therefore will afford the same security against mis-decision as is sought for in either written or oral pre-statements.

The daily practice of the Supreme Courts in a familiar class of cases will illustrate our meaning and is in fact what we are recommending. We allude to cases in which the facts are not disclosed on the pleadings: as, when an assignee of a bankrupt claims money as having been paid by way of fraudulent preference, or after an act of bankruptcy: or the case rests on any other of the many grounds to which an action for money, had and received, applies; in which cases the grounds of defence also are not at all disclosed by the pleadings. So far as the pleadings are concerned there is no *pre-statement*, but the case comes before the jury on an open inquiry and on the statement of counsel: the court then, from the evidence, eliminates the questions, of fact or fact and law, to be decided; and in deciding, states them to the jury: from this statement we apprehend the parties or counsel may judge whether the right grounds have

been selected, and being rightly selected, whether they have been decided correctly.

Special pleadings are not missed in such cases. Now to secure the same advantage in the courts proposed by the Commissioners and in all other courts without (we would also add with) a jury, the court should be required to find formally and categorically the facts, in the manner above alluded to; and let us take this opportunity of rendering a just acknowledgment of the judicial ability of the learned Chief Justice from whom we have so widely differed on the subject of procedure: it is his practice, in all such cases, to state his findings of fact, and his views of the law, in the most distinct, lucid, and categorical manner.

In comparison with the important subjects just discussed, that of retrenchment of the establishment and salaries of Officers of the Supreme Court sinks into insignificance, but must not be wholly passed by,—elaborately treated of as it has been in the papers before us, and some principles in relation to it advanced which appear to us to require further discussion.

The present establishment of the Supreme Court of Calcutta is stated as follows:—

	Co.'s Rs.	£.	s.
Master, Accountant General and Examiner in Equity of the Supreme Court: and Accountant General of the Insolvent Court per annum, Mr. Grant .....	48,000	4,800	0
Prothonotary, Clerk of the Papers, Clerk of the Crown and Sealer, Mr. Holroyd .....	36,000	3,600	0
Taxing Officer, Chief Clerk of the Insolvent Court and Record Keeper, Mr. Ryan .....	19,200	1,920	0
Sworn Clerk and Receiver, Mr. O'Dowda .....	27,600	2,760	0
Examiner in the Insolvent Court, common Assignee and Commissioner for taking Affidavits in Jail, Mr. O'Hanlon ..	9,000	900	0
Attorney for Paupers .....	4,800	480	0
Three Judges' Clerks, at 700 rupees each, per month ....	25,200	2,520	0
First Interpreter, Mr. Blaquier .....	9,800	980	0
Second ditto, Mr. Smith .....	11,100	1,110	0
And 50 rupees monthly for Office Rent .....	600	60	0
Interpreter of Foreign European languages and Tipstaff, Mr. Soret ..	2,160	216	0
Crier, Mr. Hilder .....	3,600	360	0
Allowance for Chopdars .....	1,176	117	12
Two Interpreters to the Judges at 3,600 each ..	7,200	720	0
Clerk to the Grand Jury, Mr. R. Swinhoe ..	800	80	0
Maulavi .....	2,400	240	0
Pundits ..	4,800	480	0
Múllahs .....	528	52	16
Brahmans .....	528	52	16

Co.'s Rs. 2,14,492 £2,1449 4

But this table is not complete without a few further particulars which we will add to it. The Master has a house to live in, which is equal to an addition to his salary of Rs. 3,000 (£300) per annum. The Prothonotary is also clerk to Sir H. W. Seton, with an addition to his salary as Prothonotary of Rs. 8,400 (£840) per annum; making £4,400 per annum. The Sworn Clerk and Receiver is Official Assignee of Insolvent and Bankrupt Estates, on which he has the half of 5 per cent commission,—a sum, which we have reason to know, is of itself sufficient to enable a man, within a few years to realize a handsome fortune. The salary of £840 per annum was fixed for judges' clerks, after some objection to the amount on the part of the Government, and was finally conceded to induce respectable attorneys to accept the appointment, but the principle has not been acted upon. The Equity Registrar (a very important office) is not mentioned in the Table. This officer is also Ecclesiastical and Admiralty Registrar, and as Ecclesiastical Registrar has the administration of Intestate's Estates in the absence of the next of kin, on which he has a commission of 5 per cent. which produces a splendid and sometimes princely income. The Chief Justice thinks a commission of 5 per cent too high, and he expresses the same opinion of it as the remuneration for non-official administrations. By non-official administrations are meant those granted under powers of attorney to the agents of the parties interested. We should wish to keep entirely distinct, and cannot regard as under the same category, the official and non-official administrations. There is this plain distinction between them. The latter is the voluntary employment of an agent, selected by the parties concerned: the established Commission of 5 per Cent, as it respects him, is a *quantum meruit*, derived, as in many other instances that kind of remuneration is, from local custom, to which the Supreme Court itself has given the force of law; but a jury can change it, and like other charges it is liable to be modified by special agreement and competition. Grant that it is too high, still it is not a fit subject for direct legislative interference.

The official administration, on the contrary, is an office created by law, conferred by the Court or Government on an individual of its own selection; and being in its nature a public trust or service, the profits, if any justly can be made beyond the fair remuneration of the Officer, belong to the Government. All that, on any just principle, can be given to the officer, is, what is due to all other officers, an income suited to the moral and social station which his trust confers on him, and to the rank and class to which presumably he belongs. All beyond this,

is money which either ought not to be levied, or ought to be applied by the Government. These are principles of very general application; in extending them to existing offices, however, they can never be permitted to apply to present incumbents.

With a view to reduction of expence, the Judges have proposed a consolidation of various offices, to take effect when the changes of procedure which they have recommended shall be adopted. By proposing, as they do, to take upon themselves much of the judicial portion of the Master's duties, that officer, it is supposed, would have some leisure which the judges would employ by making him also Equity Registrar: but we rather think this would be assigning to him incompatible duties: the attendance of the master is required exclusively in Chambers: the Equity Registrar ought to be much in court: for there alone, by a personal and assiduous attention to the pleadings and argument, he can collect the materials which he needs for a just performance of the duties of Registrar; and if he acquires them not in this manner, that is, by his own application and labour, he must obtain them sometimes from the Attorneys of the parties—a most objectionable practice;—or he must resort to the Judge who ought not to have the trouble, and will often feel it difficult to help him: for the Judge's point of view is not always that which alone concerns the Registrar; what falls from the judge ought to be noted by the Registrar; while the Judge's mind is engaged in winnowing and fanning and shaking off extrinsic matters, and separating and weighing the merits, he is entitled to rely on the Registrar to preserve what indications he gives of his view of the latter, so that, after the argument, the judge ought rather to be helped by, than be called on to help, the Registrar. This we apprehend to be a correct idea of the office of Registrar: clearly it is not an office to be thrown into the scale as a means of employing the Master's leisure; the Master would either be taken from Chambers to the prejudice of his office as Master, or from court to the prejudice of his office as Registrar.

On the proper officering and conduct of these two offices, mainly depend the practical efficacy of the decisions and orders of the judges, and the realization of the objects of the administration of Justice in the province of Equity to which they belong.

The following are Sir L. Peel's remarks on this officer:—

“The office of Master could not be abolished, but its duties would be reduced in importance and difficulty. The Master would have leisure for other duties, and I think the best course would be to assign duties which would interfere as little as possible with his attendance on inquiries in his own office. This officer then would be Master Accountant and Equity Re-

gistrar, executing also the duties now performed by the Sworn Clerk and Ecclesiastical and Admiralty Registrars, at a salary of Company's Rupees 3000 (£300) per month or thereabouts."

Sir Lawrence also proposes :—

"The Prothonotary to be also Clerk of the Papers, Clerk of the Crown, Sealer and Keeper of Records.

Rupees 2,000 (£200) per month.

Taxing officer, Chief Clerk and Sole officer of Insolvent Court, and to be also Attorney for Paupers (this office should be filled always by an Attorney).

Rupees 1,800 (£180) per month."

No office in our opinion is more capable of improvement and utilization than that of the Taxing officer, and we cannot assent to the proposition that it should be filled always by an Attorney. The Judges themselves proposed to make the Master, Taxing officer ; which we should think very proper ; but this was objected to by the Attorneys. The office ought always to be filled by a person of extensive experience, inflexible honesty, high character. Its proper object, properly pursued is necessarily to a certain degree odious ; it is, to prevent improper charges being laid on the suitor, who, from the technical and unintelligible nature of the procedure, is at the mercy of his own or his opponent's attorney. Nearly all the *mala praxis* of a Court may be traced to the practical deficiency of this officer ; and it is with no reproach to the present incumbent we assert, that the evils at present requiring correction have attained by long continuance a magnitude quite beyond his grasp or power : the same would be the case with his successor, be he who he may, and the remedy to which the public is intitled, we believe, can be obtained only by a special delegation from the imperial country of a Commission or Officer thoroughly versed in the more pure and economical practice of the Courts at home, and authorised to enforce it in this country. We forbear to enlarge on this topic, in the absence of any prospect of early benefit to the public.

We must also express our dissent from the arrangement as it respects the "Pauper Attorney." He ought not, we think, to be an officer of the Court and certainly not to be the Taxing officer. Either, Pauper calls on his time, will interfere with his official duties, or, these will prevent a prompt attention being given to pauper cases. There never can be any difficulty in finding among the Attorneys one quite proper to be pauper attorney : but the most fit of all persons to be Taxing officer, may not be at all fit to be pauper attorney.

The Chief Justice thinks that the minor establishments of Clerks to the Judges, Interpreters, and swearing officers do not admit of reduction, except that the salaries of the Judges'

Clerks might be reduced to Rs. 500 (£50) per month on future vacancies.

Besides the officers comprized in the stated establishment of the Supreme Court, and whose duties are subsidiary to the administration of justice, there are others, commonly considered as officers of the Court because they are appointed by the Judges, concerning whom we now learn, from Sir L. Peel, they are not at all superintended by the Court, as they are not connected with the administration of justice. The officers of this class mentioned by Sir Lawrence Peel are, the "Administrator of Intestate Estates," in the absence of the next of kin; the "Receiver;" the "Official Trustee" whose office is of the same nature as that of the Receiver, and has lately been created by an Act of the Indian Legislature; and we may add the Official Assignee.

As to all these officers, (except the Official Assignee who is not mentioned) the Chief Justice says,—“In my opinion it would be the better course to retain the offices, but to disconnect the person discharging them from the Court, and to transfer the appointment of him to the Government:” for which recommendation the Chief Justice gives the following very significant reasons:—

“It creates false impressions that officers are superintended in the discharge of such duties by the Court when they are not, and cannot, from the very nature of the case, be so superintended. Should breaches of trust or duty arise in the discharge of such administrative duties, censure would fall on the Court for that which the Court could not by any vigilance prevent, and in short where the Court could not judicially interfere, even if it has knowledge of error committed in the discharge of such duties.” \*

Without adverting to the history of the past, or speculating on the probabilities or dangers of the present or future, we may be very sure that the judges would not thus solicit the Government to take a valuable part of their patronage off their hands, but for the most cogent reasons as it respects the public interests, and we trust their request will be complied with. The officers alluded to are free from responsibility to a greater degree than any other public functionaries from the Governor General downwards: indeed, they are under no responsibility at all,—the Court as we learn from Sir L. Peel, declining to take cognizance of “error committed in the discharge of their duties.”

The Chief Justice, as we have remarked, does not mention, even incidentally, the “Official Assignee of Insolvents’ Estates,” but his emoluments are an important item. He is paid by a Commission of 5 per cent which he divides with his co-assignee. This officer should be put on the same footing as the corres-



ponding Bankruptcy officers in England. Let him have a fixed salary (£800 or £1,000 per annum), and the Commissioner, power to allow him extra remuneration out of the estates, according to the view he takes of his claim in each particular instance. On this plan, he would have a motive to exert himself, where the estate is considerable; small estates would be administered without any or at small charge; and where a charge or commission would be allowed, presumably the creditors will have derived an advantage in an increased or earlier dividend. In England the official assignees are chosen, and ought to be so here, from the class of merchants and accountants.

We have now brought before our readers the principal topics discussed in the appendices to the report mentioned at the head of this article. By what we have shewn, of the origin of the discussion, we hope to attract to it a considerable share of public attention. At the very threshold, we found facts in dispute, which were material to the decision of the general question: we allude to the differences respecting the cost of Indian litigation. On which side the truth lay, we hope we have proved to the satisfaction of all dispassionate persons: no one can doubt, we think, that the cost of Supreme Court procedure exceeds beyond all reasonable bounds that of litigation in England. And now, in conclusion,—our object being to advance the cause of practical Law Reform,—we claim a reduction of Supreme Court charges. There may fairly be differences of opinion about what is a proper scale of professional remuneration: but we at least are intitled to say to the friends of Supreme Court procedure, “conform to the parent institution.” If this is not acceded to, then we call for a new tariff of costs according to Sir Henry Roper’s suggestions.

In like manner,—having refuted effectually, as we trust, the objections urged against the natural system,—we ask for the establishment of the Subordinate Court of local jurisdiction proposed by the Law Commissioners. The concession of this, we conceive to be due to the public as well as to those learned and eminent persons. And in conclusion we will add, that;—as our case is not a solitary one; as Madras and Bombay labour under the same evils: as many of those evils are clearly traceable to a common cause, the sinister interests of those who were intrusted with the first working of our judicial system: as the crown colonies in which English procedure has been established are, we believe, much in the same predicament;—it is high time for Imperial Britain, while it would exalt her fame, and bring honor to her Sovereign, to institute a revision of her Colonial Judicial Establishments, in which English law is supposed to be administered on the English system. *Fiat justitia ruat cælum.*

ART. VII.—1. *Correspondence relative to Sindh, 1838—1843. Presented to both Houses of Parliament, 1843.*

2. *Supplementary correspondence relative to Sindh. Presented to Parliament, 1844.*

3. *The Conquest of Sindh, by Major General W. F. P. Napier: Parts I. and II. 1845.*

4. *The Conquest of Sindh, a Commentary. Parts I. and II. by Lieut. Colonel J. Outram, C. B. 1846.*

WE are now in a position to enter on a full and final examination of the British conquest of Sindh. A sufficient length of time has elapsed, and we are far enough removed from the scene of the transaction, to enable us calmly and dispassionately to review the history of that much controverted measure; while the materials for our inquiry are both copious and authentic. There are now before us two volumes of official correspondence relative to Sindh, presented to Parliament; we have an eloquent defence of the conquest from the practised pen of the conqueror's brother; and we have a most minute commentary upon that defence, by an officer who possessed unequalled opportunities for acquiring a thorough knowledge of the country and its people, and whose name is an ample guarantee for the scrupulous accuracy of his statements. Reserving to the sequel the few observations we shall have to offer on the respective merits of these publications, we shall at once proceed, with the aid of the historical materials which they supply, to lay before our readers a brief narrative of the events which immediately led to the subjugation of Sindh, together with an examination of the justice and policy of the measure.

The valley of the lower Indus, which forms the scene of the transactions we are about to record, has of late years been rendered familiar to all our Indian readers. Bordered, like the kindred valley of the Nile, by a range of mountains on one side and by a desert on the other, it is traversed throughout its entire length by the classic river from which it takes its name. The country on both banks of the river, from near the point where it receives the waters of the Punjab to its junction with the sea, formed the territory of the Amírs or rulers of Sindh, and was divided into two principal shares—the Southern division forming the principality of Lower Sindh, and the Northern, that of Upper Sindh: leaving, towards the Kutch frontier, a third and inconsiderable division, that of

Mírpur, the affairs of which we will scarcely have occasion to notice.

At the period at which our narrative opens,—the early autumn of 1842—five Amírs held independent but associate rule at Hyderabad, the Capital of Lower Sindh; namely, Mír Nússír Khan, his two cousins Mírs Mír Mahommed Khan and Sobdar Khan, and his two nephews Mírs Shadad Khan and Hússen Ali. At Khyrpúr the seat of the Upper Sindh Government, the venerable Mír Rústum Khan was the acknowledged Rais, or supreme ruler; with whom were associated, as subordinate partners in the government, his two younger brothers Mírs Ali Morad and Mahommed Khan, and his Nephew Mír Nússír Khan. One Amír, Mír Sher Mahommed Khan, ruled the small principality of Mírpur.

Our political relations with the Amírs of Sindh, at that time, were those established by Lord Auckland's treaties of 1839, which, as our readers are aware, were forcibly imposed upon these Princes at the commencement of the first Affghan Campaign. In Lower Sindh, separate treaties, identical in their provisions, were concluded with each of the Hyderabad Amírs; which contained, among other less important particulars, the following stipulations;—First, the maintenance of a British Subsidiary force in lower Sindh, either at Tatta or at some other station west of the Indus, towards the cost of which an annual tribute of three lakhs of Rupees was to be paid in equal proportions by three\* of the Amírs—the fourth (Mír Sobdar Khan) being exempted on account of his early submission;—Secondly, the protection of their territories by the British Government against foreign aggression, and the arbitration of all complaints of aggression which the Amírs might make against each other;—Thirdly, non-interference by the British Government in the internal administration of the Amírs, or in any complaints made against them by their subjects;—Fourthly, the prohibition of all negotiation, on the part of the Amírs, with foreign states, unless with the sanction of the British Government;—Fifthly, the abolition of tolls on trading boats passing up or down the Indus;—Sixthly, the payment of the usual duties on merchandize landed from such boats for sale, with the exception of goods sold in a British Camp or cantonment.

In Upper Sindh one treaty only was considered necessary,

\* One of these shares was now divided between Mírs Shadad Khan and Hússen Ali, the sons and heirs of the deceased Mír Núr Mahommed, one of the original parties to the treaties.

which was exchanged with Mír Rústum Khan as the acknowledged "Chief of Khyrpúr." Its engagements were analogous to those concluded with the lower Sindh Amírs with the following differences;—First, no stipulation was made for the payment of a subsidy;—Secondly, there was no engagement for the permanent location of a British force: permission being only given "to occupy the fortress of Bukker as a depot for treasure and munitions in time of war;"—Thirdly,\* no stipulation was made for the abolition of river tolls: the Amírs merely promising "co-operation with the other powers" in any measures which might be thought necessary for extending and facilitating the commerce and navigation of the river Indus. Lastly, short "Agreements" were at the same time concluded with each of the other three Amírs of Upper Sindh, whereby the British Government engaged "never to covet one reca of the revenue of their shares of Sindh, nor to interfere in their internal management." The treaty entered into with the Amír of Mírpúr, in the following year, was similar in its provisions to that of Lower Sindh, and included an engagement for the payment of a subsidy of Rs. 50,000 per annum, as the price of British protection.

It is unnecessary, for the purpose of our present inquiry, to examine either the justice or the policy which dictated these compulsory treaties. They formed a part (and, it may be, a necessary part) of that ill-advised and disastrous "Affghan policy," which forms the one disfiguring blot on Lord Auckland's otherwise beneficent administration: and it was only by the unconquerable firmness, and extraordinary personal influence, of the distinguished diplomatist\* who conducted the negotiations, that the Lower Sindh Amírs were induced to yield a tardy and reluctant assent to their harsh provisions, and thereby preserved, though but for a season, the sovereignty of their kingdom.

Having been thus reduced from independent Sovereigns to tributary allies of the British Government, it was not to be expected but that some degree of alienation and a distrust of our future measures would take possession of the minds of the Amírs. Whatever may have been the real state of their feelings, their acts, even during the disasters of 1842, evinced no appearance of hostility: for it is a remarkable fact, that, under the able management of Major (now Lieutenant Colonel) Outram, Sindh continued in a state of profound tranquillity; robberies were unknown; British subjects of all classes, unattended by a single armed attendant, traversed the country without danger or molestation; and carriage and supplies were

\* Major General Sir Henry Pottinger, Bart. G. C. B.

liberally furnished for the support of our armies in Southern Affghanistan.

Such was the condition of Sindh, and such were our relations with its rulers, when Major General Sir Charles Napier, then Commanding the Puna Division of the Bombay Army, was invested by Lord Ellenborough with the military and political control of Sindh and Belûchistan. The veteran soldier hastened to Sindh (we are told) with all the alacrity of a young warrior; and on the 9th September landed at Kurrachi. Before we accompany him on his diplomatic and military career it is desirable that we should first become acquainted with his character, and that of the political functionary whom he was about to supersede.

The name of Colonel Outram will ever be associated, in this Country, with some of the finest and noblest qualities of the soldier. His character exhibits a remarkable union of calm, steady, resolute valour, with a passion for daring and chivalrous enterprise, and an energy and determination of purpose which no danger or difficulty can daunt. These qualities, added to an open, ardent, generous disposition, and a quiet unassuming courtesy of demeanour, have deservedly rendered him the pride of the Bombay Army, and appear to have attracted, in a rare degree, the personal attachment and esteem of those who have served under his orders, or have been otherwise associated with him in public duty. But it were an unnecessary, though a pleasing task, to dwell upon these features of his character. The conqueror of Sindh himself has with a just discernment awarded to him the appropriate and expressive title of "*The Bayard of India*;" and twelve hundred British Officers of the Indian services have publicly recorded their admiration of his heroic achievements in India, Affghanistan, and Sindh.

Colonel Outram's experience of native character is extensive and varied. In common with the majority of officers who have known the natives long and well, who are conversant with their languages and customs, and who judge them by an Indian, and not by a British standard, he appears to have formed a generally favourable opinion of them. His intercourse with them seems to have been marked on all occasions by a considerate attention to their social usages and feelings: and his interest in their welfare is evinced by a desire to preserve and improve the more innocuous of their institutions, rather than precipitately to subvert them, in order to introduce the systems and usages of Europe in their place. Like all functionaries who have been guided by such principles

and feelings he has acquired in a high degree the confidence and good will of the people over whom he has been placed: and we need scarcely add, that the possession of such influence over the minds of the natives, particularly of those in high rank and station, is one of the most important qualifications which a British Diplomatist can possess; and is calculated, more than any measures of abstract wisdom, to reconcile the princes and people of India to our rule, and thereby to preserve the peace, and promote the best interests of the country.

Lest any of our readers should consider such political accomplishments as antiquated and worthless, we will supply a more practical test of Colonel Outram's diplomatic qualifications, and try them by the magnitude and importance of the services which he rendered to his Country, during the eventful year that immediately preceded his removal. At that memorable crisis, when disasters unparalleled in our history clouded the past, and gloomy apprehensions over-cast the future—when the storm of insurrection, which had burst with such fatal fury at Kabul, threatened to endanger the safety of our armies at Quetta and Kandahar—Lord Auckland, amid the general panic, turned to Colonel Outram with the assured confidence that he would hold his dangerous post with a firm and steady hand, and that, by his prompt and zealous assistance, he would enable the Government also to weather the storm.\* And the result shewed that the Governor General's confidence was neither exaggerated nor misplaced. Within the three preceding years, we had imposed a Subsidiary tribute and a Subsidiary force upon the Amirs of Sindh; we had stormed the capital and slaughtered the ruler of Belúchistan; and we had waged a sanguinary warfare upon the neighbouring mountain tribes. Yet—smarting though they were under these grievous injuries, and instigated by Affghan emissaries to raise the standard of insurrection in the common cause of Islam—such was Colonel Outram's wondrous activity, vigilance, and zeal, that he not only, with a small and detached military force, preserved tranquillity throughout these vast countries, which formed both the base and the line of our military communications with Kandahar; but he also furnished and forwarded, from these very countries, the carriage and supplies which enabled General Nott to accomplish his triumphant march to Kabul, and General England to retire in safety on the Indus. These were, in truth, services, which, to cite the words and the authority of the honorable

\* Outram's Commentary, 21.

Mountstuart Elphinstone, "it would be difficult to parallel in the whole course of Indian diplomacy:" and they had just been brought to an honourable and successful termination, by the safe descent of General England's army beneath the passes, when their author was summarily, without warning and without reason assigned, removed by Lord Ellenborough from his high political appointment.\*

And what were the peculiar qualifications of the Officer selected to supersede a man who had, at so perilous a crisis, conferred such signal services on his country? On Sir Charles Napier's eminent military talents it were now superfluous to dwell. Long before his appearance in Sindh, his high reputation as a soldier had been inscribed on the page of history; the numerous scars with which he was furrowed attested his heroic valour on the sanguinary fields of Corunna and Busaco: and, though untried as a General, he soon proved himself worthy of a place in the first rank of British Commanders. With a military experience of half a century, he had, moreover, deeply studied the art of war:—strict and stern in discipline, but ever watchful of the interests and attentive to the wants of his men, he was peculiarly the soldier's friend. Though bending somewhat under the weight of threescore years and one, yet did he retain all the vigour and energy of youth, with a capacity for the endurance of fatigue which the youthful soldier might well have envied.

But, though unquestionably a brave and accomplished soldier, he was singularly deficient in the particular qualities required for the safe and beneficial exercise of political authority in India. He was not only ignorant of the language, the character, the customs, and the institutions of the natives; but he seemed to look upon such knowledge as unnecessary, if not prejudicial. He was, moreover, apparently imbued with strong prejudice against the princes of Sindh, and disposed to regard his Mission, as that of a Military Dictator appointed to overawe and control a "barbarous durbar," rather than that of a political agent deputed to maintain the relations of amity and friendship, subsisting between a protecting and a protected state. Disregarding, in short, the maxims of sound practical wisdom, so strenuously recommended, and so successfully practised, by

\* It is any thing but creditable to the Government that no honors should have been conferred on Colonel Outram and Mr. George Clerk for the important political services they rendered at that critical juncture; while analogous services performed on the same scene, four years before, by Sir Henry Pottinger and Sir Claude Wade were respectively rewarded, (and justly rewarded) by the honors of a Baronetage and Knighthood.

Munro, Malcolm, and Elphinstone, and by other distinguished statesmen of the same eminent school—Sir Charles soon betrayed a determination to open up a new political path for himself. The progress and results of this novel diplomacy we now proceed to examine.

Sir Charles Napier, as has been stated, landed at Kurrachi on the 9th September 1842, and on the 17th of the same month he started for Sukker. On his passage up the Indus he paid a visit to the Amírs of Lower Sindh at their fortified Capital of Hyderabad. The established courtesy, uniformly observed by the Indian Government towards the Native States, of formally announcing any change in the British Representative at their courts, does not seem to have been observed towards the Amírs on the present occasion: nor does Sir Charles Napier appear to have been furnished by the Governor General with any credentials of his appointment. Such an omission may be considered by the English reader to be of trifling import, but will be very differently viewed by those acquainted with the importance that native Princes attach to all these matters of etiquette. Notwithstanding the neglect, however, on the part of the Governor General, of the customary forms of courtesy, Sir Charles Napier was received by the Amírs of Hyderabad with every demonstration of respect due to his rank and station. Before leaving the capital, he addressed to them a letter regarding certain alleged infractions of the treaty, committed under their orders, or with their knowledge. These charges will pass under our review, when we examine those preferred against the Amírs of Upper Sindh: but we must not omit to notice the style and tone used by the British Commander in this his first communication with Princes, wielding the absolute power of sovereignty within their own territories. It is characterised by the Historian as an “austere, but timely and useful warning,” given in the prosecution of “a fair and just, but stern and unyielding policy.” We willingly pay Sir Charles the compliment of assuming that this extraordinary document, which will be found in the Parliamentary Papers (Page 358) was merely the first rough draft of the letter, and that in the process of translation it received a form and phraseology better suited to the station of the Princes to whom it was addressed. But, even under this favourable interpretation, there will remain much in the tone and tenor of the letter that is deserving of the strongest censure, and in complete opposition to the letter and spirit of Lord Ellenborough’s judicious circular instructions to his political agents, directing them “on all occasions to manifest the utmost personal consideration and respect to the



several Native Princes with whom they might communicate ; to attend to their personal wishes ; to consider themselves as much the representation of the *friendship*, as of the *power*, of the British Government ; and to be mindful that even the necessary acts of authority may be clothed with the veil of courtesy and regard." We shall find, as we proceed, that the whole tenor of the General's political administration in Sindh, of which this was the commencement, was an exact antithesis of these admirable maxims.

Sir Charles Napier, having addressed this arrogant and offensive letter to the rulers of Hyderabad, continued his journey up the Indus ; and, on the 5th October, arrived at Sukker, the head quarters of the British force then stationed in Upper Sindh. There, as the historian informs us, he " forthwith commenced a series of political and military operations, which reduced the Amírs to the choice of an honest policy or a terrible war."\* These operations, with their fatal results, it is now our duty to record.

On his first nomination to the military and political control of Sindh, the General had been officially informed, that if " the Amírs, or any one of them, should act hostilely, or evince hostile designs, against the British forces, it was the Governor General's fixed resolution never to forgive the breach of faith, and to exact a penalty which should be a warning to every chief in India." This communication, it will be observed, intimated the Governor General's determination to punish *future* hostility : but the following instructions, which awaited Sir Charles on his arrival at Sukker, shewed that his Lordship had modified his intentions, and was now determined to inflict retributive punishment for *past* offences, should the General, on inquiry, discover satisfactory grounds for such a procedure. " Should any Amír or Chief, with whom we have a treaty of alliance and friendship, *have* evinced hostile designs against us during the late events, which may have induced them to doubt the continuance of our power ; it is the present intention of the Governor General to inflict upon the treachery of such ally and friend so signal a punishment as shall effectually deter others from similar conduct : but the Governor General would not proceed in this course without the most complete and convincing evidence of guilt in the person accused. The Governor General relies entirely on your sense of justice, and is convinced that whatever reports you may make upon the subject, after full investigation, will be such as he may safely act upon."

The first political duty, therefore, which devolved upon Sir Charles, was to inquire into certain alleged breaches of treaty and hostile intrigues charged upon some of the Amírs, with the view of deducing from these past offences "a pretext" for remodeling the existing treaties, and inflicting a "signal punishment" upon their authors. And this brings us at once to the consideration of what proved to be the remote cause of the Sindh conquest. And as there has been much misapprehension and misstatement on this subject, it is necessary to trace the origin and history of the revised treaties, to the imposition of which, the General's investigation ultimately led.

In the early part of the year (1842) Major Outram appears to have come to the conclusion that our intended withdrawal from Affghanistan would render some change in our relations with the Amírs of Sindh very desirable, in order to remedy the errors of our Military position in that country; to define more clearly the commercial provisions of the existing treaties; and to ensure an adequate supply of fuel for the steamers composing the Indus flotilla. About the end of May of the same year he had received an intimation of Lord Ellenborough's wish to exchange the payment of tribute for "the continued occupation of Kurrachí and Sukker," including, the fortress of Bukker. He therefore only awaited a favourable opportunity for opening a negociation with the Sindh Government. In the meantime he received information from his assistants in Sindh, which gave him grounds for suspecting, that certain of the Amírs, taking advantage of our Affghan disasters, and instigated by Affghan emissaries, had engaged in some petty intrigues inimical to the British Government. They were considered by Major Outram to be in themselves puerile: nevertheless, he conceived that they evinced an unfriendly feeling on the part of the Amírs, and furnished good grounds for proposing, and would materially assist the negociation for, the required changes in the treaties, which, under other circumstances, would most probably be resisted.

In accordance with these views, he submitted to Government, on the 21st of June, a draft-treaty embodying the proposed changes. The following were its principal stipulations; \*  
1st. The cession to the British Government, in perpetuity, of the City and Cantonment of Sukker (including the fortress of Bukker) and of the Town and harbour of Kurrachí; 2nd. Free transit for commerce between Kurrachí and Tatta on the Indus; 3rd. Permission to cut wood within a hundred yards

\* Sindh Parl : Pap : P. 343.

of each bank of the Indus; 4th. The total abrogation of river tolls: and 5th. In consideration of the above cessions the British Government engaged to release the Amírs from all pecuniary obligations whatever.\*

Such were the provisions of Major Outram's proposed treaty—a treaty which stipulated for territorial and other privileges of the estimated annual value of Rs. 3,16,500,† to be ceded by the Amírs to the British Government, in exchange for a total release from the future payment of tribute which (exclusive of arrears) amounted to Rs. 3,50,000 per annum.‡

The objects proposed to be attained by this new arrangement were in themselves of great importance to British interests; and the pecuniary price to be tendered for their purchase was just and liberal: but, in the absence of any pressing necessity for the change, it became matter of regret that the subject should have been mooted, at that particular juncture. The minds of the Amírs, who had on all occasions shewn themselves determinedly averse to any alteration in their relations with our Government, were at that time peculiarly distracted with apprehensions in regard to our future measures; in addition to which, Major Outram was himself at Quetta,—whither he had gone for the purpose of aiding General England's force, in its retreat upon the Indus—and was consequently deprived of the opportunity, by personal negotiation, of exerting his great influence over the Amírs, by which alone could any hope be entertained of reconciling their minds to the contemplated changes. Nor were the grounds assigned as the basis of negotiation of clear and unquestionable validity. The hostile intrigues, alleged against the Amírs, were considered by Major Outram at the time, neither important nor dangerous; while the evidence, in support of them, forwarded by

\* A negotiation had previously been entered into at the instance of Lord Auckland's Government, for the cession of the district of Shikarpúr: but Major Outram reported that this must be abandoned under Lord Ellenborough's contemplated occupation of Kurrachí, and the proposed river arrangements.

† Territorial Cessions .....	Rs. 1,06,500
Abolition of transit duties and river tolls .....	„ 10,000
Compensation for cutting wood .....	„ 2,00,000
<b>Total Annual value .....</b>	<b>Rs. 3,16,500</b>
‡ Annual tribute from the Amírs of Hyderabad .....	Rs. 3,00,000
Ditto ditto of Mírpur .....	„ 50,000
<b>Total Rupees .....</b>	<b>3,50,000</b>

This was exclusive of certain claims against Mír Nússír Khan of Khyrpúr, the heir of the late Mír Múbaruk Khan, consisting of about three years' tribute of Rs. 1,00,000 per annum, in addition to Rs. 7,00,000, claimed in behalf of the late Shah Shájá.

his assistants, and which he had not the means of testing, was any thing but conclusive of the guilt of the Amírs, even if it had been as unimpeachable as it subsequently proved to be worthless and false.

But, while we make these observations, we readily admit, that the treaty, as originally proposed by Major Outram, was framed in a spirit of perfect fairness towards both Governments; and there is every reason to believe, that had the negotiation for its settlement been committed to that officer, it would have been brought to an amicable and successful termination. Little could it have been foreseen, that a proposal to negotiate the equitable purchase of certain privileges by an equivalent remission of tribute, would be made the ground work—and even, in some quarters, the justification—of the oppressive and retributive penalties which were subsequently imposed upon these princes.

Lord Ellenborough, who had only a few weeks before signified his intention of continuing to hold military command of the Indus, seems now to have hesitated regarding the line of policy which it was desirable to follow. In acknowledging the receipt of the draft treaties, he stated that he “did not see the necessity for pressing a negotiation upon them (the Amírs) precipitately, and on the contrary would rather desire to leave their minds in tranquillity for the present;”<sup>\*</sup> and that it would be “a matter for future consideration whether any probable benefit to be ever derived from the treaties, could compensate for the annual expenditure which would be brought upon the Government of India by the maintenance of a large force at Sukker and Kurrachí.” Here, therefore, terminated the discussion regarding Major Outram’s Treaty, which was never presented to the Amírs.

On his return from Quetta to Sukker, three months afterwards, Major Outram was directed, before leaving Sindh, to lay before Sir Charles Napier, “the several acts, whereby the Amírs or Chiefs may have seemed to have departed from the terms or spirit of their engagements, and to have evinced hostility or unfriendliness towards the Government of India.” In obedience to these instructions, he submitted to the General, two “Returns of Complaints” preferred respectively against two of the Amírs of Upper Sindh, and against four of the Hyderabad Amírs, together with the documentary evidence in support of these charges. Having done this, he resigned into Sir Charles Napier’s hands the political powers which he

had wielded with so much credit to himself and with such signal benefit to the public service, and left Sindh on the 12th November; carrying with him the regrets of every Officer in the country.

We now resume the narrative of the proceedings of his successor.

Sir Charles lost no time in commencing the investigation of these charges, the establishment of which was to form the ground-work for the imposition of a new treaty; nor was he long in bringing it to a conclusion. In the course of twelve days after his arrival at Sukker, and a week before he had received the charges against the Amírs of Lower Sindh, he completed his report—that report which was to be Lord Ellenborough's guide in his Sindh policy, and to decide the fate of the Sovereign Princes of that country. We have perused this remarkable document with much pain. Passing by the sneering allusion to "Sticklers for abstract rights;" the undisguised admission that "we want only a pretext to coerce the Amírs;" the uncalled for remarks on the "barbarism of those Princes and their unfitness to govern a country;" the (too true) prophecy that "the more powerful government will at no distant period swallow up the weaker;" and the opinion that it would be better to come to this result at once, "if it could be done with honesty:"—setting aside these, and many similar unseemly doctrines, as well as the palpable inaccuracy of the statement, that under existing treaties we were authorized to maintain our camps permanently in upper Sindh, we proceed at once to examine the specific accusations, and the evidence by which they were verified.

The charges prepared against the Amírs are reducible to two heads.—First, Certain acts of constructive hostility attributed to Mír Rústum Khan, the chief Amír of Khyrpúr, and Mír Nussír Khan, the Senior Amír of Hyderabad; and Second, certain infractions of the existing treaties alleged against these two Amírs, as well as against Mír Nussír Khan of Khyrpúr, and Mírs Mír Mahommed Khan, Shahdad Khan, and Hússen Ali, of Hyderabad.

1. The first charge, under the first of these heads, alleged against Mír Rústum Khan, was a breach of treaty, of a hostile character, in having written a letter to the Maharajah Shír Singh of Lahore, the purport of which was to negotiate for the renewal of an alliance between that sovereign and certain of the Amírs of Upper and Lower Sindh. The letter, though intimating in vague and ambiguous language that the parties to the negotiation entertained unfriendly feelings towards the

British ( " that tribe ") did not indicate any hostile designs against our Government, and seemed to have principally in view, an engagement to secure the succession of Mír Rústum's son to the chieftainship after *his own death*. It was intercepted by Agents of Mír Ali Morad, (Rústum's brother) who was inimical to Rústum, and a rival candidate for the Chieftaincy.

The authenticity of this intercepted letter rested exclusively on the supposed fact, that it bore Mír Rústum's seal, and was in the hand writing of His Highness' Minister. We need scarcely remind our readers that this species of judicial evidence is received with great distrust in this country. The forgery of letters and the fabrication of counterfeit seals are of very common occurrence, and had been recently and successfully exemplified in Sindh. Colonel Outram informs us\* (and the Amírs in their final conference at Hyderabad reminded that Officer of the fact) that in the preceding year, he had occasion to complain to the Amírs of frequent forgeries of his own seal, which, affixed to letters professed to be written by him, had so far imposed on their Highnesses as to procure grants of land for those who presented them; and in September of the same year several forged seals of the Amírs were found in the possession of a man apprehended in the Sukker bazar. These circumstances, combined with the fact that the parties through whose Agency the Letter was intercepted were hostile to Mír Rústum, and, as we shall afterwards find, were interested in embroiling him with the British Government, ought to have shewn the necessity of care and caution in pronouncing a final decision. Major Outram, having latterly entertained considerable doubts as to the authenticity of the Letter, forwarded it to Mr. George Clerk, the Envoy at Lahore, in the hope, that, from his official relation to the sovereign to whom it was addressed, he might be able to determine the question. That most eminent public officer, however, after retaining it six months in his possession, reported to Lord Ellenborough, that its " authenticity was still a matter of doubt to him as it had been to Major Outram in sending it."† But the doubts which were entertained by Major Outram and Mr. Clerk were very summarily disposed of, by the General's Political assistant. On the very day, the 23d November, on which he received back the Letter from Mr. Clerk, Sir Charles Napier wrote to Lord Ellenborough that Lieutenant Brown had assured him that there could not

\* Out. Com. 74.

† Sindh Parl. Pap. P. 478.

be the slightest doubt of its authenticity.\* And thus, on the simple assurance of an Officer, who neither spoke nor wrote the language in which it was written, and without any opportunity being given to the accused party to rebut the charge, was the authenticity of the Letter summarily decided. Nor was there the slightest attempt to prove that the seal, even if genuine, had been affixed with His Highness's sanction; while there were strong reasons for suspecting that it had been used without his knowledge. Mohun Lall informs us,† that, during the negotiation of the treaties of 1839, Mír Ali Morad surreptitiously obtained possession of Mír Rústum's seal, with the intention of using it for the furtherance of his own perfidious schemes; but was defeated in his object by the penetration of Sir Alexander Burnes. This fact, combined with our knowledge of Ali Morad's subsequent treachery, renders it by no means an improbable supposition that that "arch-intriguer," had now a second time possessed himself of his brother's seal, and that he was the real author of the secret letter which his own agents were instructed to intercept.

The second accusation preferred against Mír Rústum consisted in having, through his Minister Futteh Mahommed Ghori, compassed the escape of a British prisoner. This charge appears to have been established against the minister: but there was no proof or even suspicion of the Amír's implication in the matter. The substantiation of such an offence would have justly warranted the British Government in requiring the punishment or banishment of the Minister by whom it was committed, but certainly never could be held to justify the forfeiture of Mír Rústum's territory.

The last charge under this head was preferred against Mír Nussír Khan of lower Sindh,—and consisted in his having authorised the writing of a Letter to Bíbuk Búgty, the chief of the Búgty hill tribes, containing some general expressions of hostility towards the English ("some people") and calling upon him and his brother Beláchís to hold themselves in readiness. The authenticity of this Letter was unsupported by a tittle of evidence that could be considered as conclusive; and in this instance, as in the former, no opportunity was afforded the suspected Prince of disproving the charges.

The principal infractions of the treaty, constituting the *second* division of charges, consisted in the levy of river tolls on boats belonging to subjects of Sindh. These accusations affected

\* Sindh Parl. Pap. P. 427.

† Life of Dost Mahommed Khan, P. 78.

Mír's Nussir Khan, Mír Mahommed Khan, and Hússen Ali of Hyderabad, and Mír Rústum Khan of Khyrpúr, all of whom admitted the facts, but denied that they were in contravention of treaty. It was argued by the Hyderabad Amírs that the treaties exempted British and foreign boats from duty, but were not considered by them to interdict the levy of duties on their own subjects, over whom, under the 3rd Art. of the treaty, they possessed "absolute" jurisdiction: and that, in point of fact, they had levied these tolls from them without hindrance up to 1840. Lord Auckland's Government, however, decided against their construction of the engagement and the Amírs had recently issued perwannahs granting an entire exemption from tolls; upon which the Assistant Political Agent expressed a confident hope that the question would now be set at rest.

On the part of the Khyrpúr Amírs it was urged with great truth, that the treaties concluded with them contained no stipulation whatever for the abolition of tolls—the Amírs simply promising "co-operation with *the other powers* in any measure which may be thought necessary for extending or facilitating the commerce and navigation of the Indus." Now "the other powers," holding territory on the Indus, were the Maharajah of Lahore, the Nawab of Bhawulpúr, and the Amírs of Hyderabad; the arrangements with the two former "powers," permitted them to levy a small stated duty; while the latter, on account of their hostile opposition to the British Government, were compelled, without receiving any pecuniary or other equivalent, to abolish all tolls. On the general principles of equity and justice, therefore, the *friendly* Amírs of Khyrpúr, whose adherence to our cause had elicited the enthusiastic admiration of the negociator of the Treaty,\* had a right to expect the terms which we concluded with the *friendly* "powers," of Lahore and Bhawulpúr, and not those which were imposed on the then *hostile* "powers" of Hyderabad, between whom and themselves a marked line of distinction had professedly been drawn throughout the whole of the negotiations. But apart from these grounds, there were special reasons for guiding the Government to the more favourable interpretation of the engagement: for, Sir Alexander Burnes

\* "With such adherence (says Sir Alexander Burnes) I feel quite at a loss to know how we can either ask money or any favor of this family. I have never doubted their disposition to cling to us but in their weak state, I had not expected such promises in the day of trial." And in a marginal note to the Treaty the same officer observes: "I might have easily abolished the toll for ever. but this would be a hazardous step. The toll binds the Mír to protect property; the release from it would remove this duty from his shoulders."



had received specific instructions from Lord Auckland to put Khyrpúr on the same footing as Bhawulpúr, and with that view had been furnished with the Bhawulpúr treaty for his guidance.\* Finally, it has been considered an established maxim with the most eminent of our Indian statesmen, that “when any article of an engagement is doubtful, it should be invariably explained with more leaning to the expectations originally raised in the weaker, than to the interests of the stronger power.† Notwithstanding all these considerations, Lord Ellenborough decided, that the treaty must be construed as binding the Khyrpúr Amírs to acquiesce in the same arrangements as those subsequently imposed on “their kindred Amírs,” of Hyderabad; and he intimated that he should expect them to be observed with the same strictness as if they had been expressly inserted in the treaty. This opinion, pronounced by the paramount power, finally decided the prospective operation of the contested article: but that it was not intended to authorise the infliction of a penalty for duties previously levied under a different, and, we think, a more equitable, construction of the treaty, may be inferred from the fact, that a clause explanatory of the article in question was introduced into the revised Treaty.

It is unnecessary to notice the other trifling charges of breach of treaty, the more particularly as it was distinctly admitted by the Governor General,‡ that the right to make any demand, extending to the cession of territory, depended upon the truth of the three offences specified under the first head. The proposed treaty, writes Lord Ellenborough to Sir Charles Napier, “rests for its justification upon the assumption, that the Letters said to be addressed by Mír Rústum to the Maharajah Shir Singh and by Mír Nussír Khan to Bábúk Búgty, were really written by the chiefs respectively, and that the confidential minister of Mír Rústum did, as is alleged, contrive the escape of Syed Mahommed Shurrip,\*\*\* I know (he added) that you will satisfy yourself of the truth of these charges, before you exact the penalty of the offences they impute.”§

The final decision on these three important questions having been then remitted to Sir Charles, “on whose word, as the Historian truly states, the fate of Sindh now depended,”

\* Sindh Parl. Pap. P. 61.

† Sir John Malcolm's Institutions.

‡ Sindh Parl. Pap. P. No. 387, P. 437.

§ Sindh Parl. Pap. No. 389. P. 440.

he lost no time in pronouncing a verdict of guilt against the two Amírs, on each of the accusations.\* The Governor General, in confirming the decision, stated that, if Government were to wait in every case of suspected hostility until it obtained such proof as should be sufficient to convict the person suspected in a court of justice, it would in most cases expose itself at once to disgrace and disaster.† It may readily be conceded, that, in the investigation and settlement of international questions arising between a paramount state and its tributary allies, we cannot expect either the technical procedure or the scrupulous nicety of evidence of a Criminal Court : but we have clearly a right to require, that, in such an inquiry, the principles of substantial justice should not be violated. Every one who is practically conversant with the elements of judicial evidence will concur with us in opinion, that the *exparte* evidence of an intercepted letter, written in a language unknown to those who decided upon its authenticity, and intercepted by interested and hostile parties, was altogether insufficient, in the absence of any corroborative testimony, to establish the accusation preferred against these two princes.

Before we examine the exactions of the revised treaties, which Lord Ellenborough determined to impose as the punishment of these alleged offences, it will be necessary to inquire into the proceedings and position of the parties affected by them.

The condition of the Amírs at this period was a very painful one. Their minds were agitated and alarmed by the current rumors of our intention to impose new treaties upon them, if not to subjugate their country ; they had seen the Bengal portion of General England's force detained at Sukker, instead of proceeding to their own provinces ; the political agency, heretofore their sole medium of communication with the British Government, had been abolished ; and an unknown Military Commander exercised arbitrary sway in the heart of their country. No official intimation of these changes had been vouchsafed to them ; no reason had been assigned for the detention of the troops, although such detention was unauthorized by treaty : and instead of endeavouring to allay their fears by personal intercourse and friendly explanation—a duty which had been expressly enjoined by the Governor General—it seemed as if the General's object was to confirm

\* Sindh Parl. Pap. Nos. 409, 410, & 414.

† Sindh Parl. Pap. No. 415. P. 457.

and increase their apprehensions by an insulting arrogance of demeanour, and by an ostentatious display of Military strength. Surely under such suspicious and menacing demonstrations, it cannot be wondered at that the Amírs should have adopted some defensive measures for the protection of their interests.

If the British Government deemed it justifiable, after the abandonment of Affghanistan, to concentrate a large Army in the immediate neighbourhood of the Capital of Upper Sindh, at a time when, under the provisions of the treaty, we had no right to station a single soldier within the limits of that country, on what grounds of abstract justice, or under what clause of the existing treaties, can we dispute the right of the Upper Sindh Amírs to take the precautionary measure of assembling their armed dependants within the precincts of their Capital? Ours were the offensive, their's strictly defensive, measures. On the 6th November, Major Outram reported, in regard to the Khyrpúr Amírs that all their measures and preparations were defensive, and would lead to nothing offensive: and a week later his assistant at Hyderabad writes; "I cannot learn that the Amírs meditate collecting any troops in consequence of the large assemblage of British force at Sukker: but their Highnesses continue very uneasy on the subject, and impute any but friendly motives to it."

Lord Ellenborough's revised draft treaties bear date the 4th of November, and were received by Sir Charles Napier on the 12th of that month. On examining their provisions, we find that the following terms were common to the Hyderabad and the Khyrpúr treaties;

1. The relinquishment of all tribute payable by the Amírs to the British Government.

2. The introduction of a British currency throughout Sindh, and the relinquishment, by the Amírs, of the privilege of coining.

3. The right to cut wood within a hundred yards of both banks of the Indus.

- 4th. The cession in perpetuity to the Khan of Bharribpúr, of the rights and interests of the Amírs in the Districts of Subzulkote, and all the territory intervening between the present frontier of Bhawulpúr and the Town of Rorí.

The Khyrpúr Treaty stipulated in addition, for the cession to the British Government, of Sukker, Bukker and Rorí; while the Hyderabad treaty exacted in like manner the cession of Kurrachi and Tatta, with free transit between those places, and the cession to Mír Sobdar Khan of territory producing half a lakh of revenue, in consideration of his share of Kur-

ráhí, “and as a reward for his good conduct.” It was finally provided that a British Commissioner should apportion, by mutual exchanges, the cession of each Amír in lower Sindh, according to the amount of tribute payable by each; and in the event of the cessions falling short of the amount of tribute, lands yielding an annual revenue equivalent to the balance were to be appropriated to the indemnification of such Amírs of upper Sindh, other than Mírs Rústum and Nussír Kháns, as were called upon to cede territory under these new arrangements.

The imposition of these treaties proved the remote cause of the Sindh Revolution. The oppressive severity and injustice of their exactions will be at once understood, when it is stated that the pecuniary value of the confiscated territory and the other forfeited privileges, amounted to the sum of Rupees 10,40,500\* per annum; of which two thirds (being about one third of their entire revenues) fell upon the Amírs of Khyrpúr.—We have seen that the object of Major Outram’s proposed treaty was, to commute, on equitable terms, the payment of tribute for the cession of territory, and to make the territorial possessions, thus acquired, available for securing the military command of the Indus and the efficient protection of its navigation. Lord Ellenborough’s treaties on the other hand, in addition to these and other stipulations, had in view the infliction of a signal punishment upon the Amírs, and the grant of “a great reward to our most faithful friend and Ally,” the Khan of Bhawulpúr.

Without stopping to discuss the expediency or otherwise, of retaining military possession of both banks of the Indus (after the withdrawal of our troops from Affghanistan) the impolicy of which had been so strongly denounced by Lord Ellenborough, in his celebrated Simla Manifesto only a month before, we will confine our present observations to the injustice and the folly of the proposed confiscation to Bharrib Khan. We have already expressed our conviction that the evidence adduced in support of the already hostile intrigues, upon the proof of

* Territorial cessions to the Nawab of Bhawulpúr... ..	Rs. 6,40,000
Ditto Ditto to the British Government.. ..	„ 1,90,500
Free Transit from Kurrachee to the Indus at Tatta.....	„ 10,000
Right of cutting wood on the Banks of the Indus.. ..	„ 2,00,000
Compensation to Mír Sobdar Khan .....	„ 50,000
	<hr/>
	10,90,500
DEDUCT.	
Amount of tribute remitted.....	„ 3,50,000
	<hr/>
Balance Rupees.....	„ 7,40,500

which the justification of the treaty was declaredly made to rest, was altogether insufficient to establish the accusation. But let us admit, for the sake of argument, that the authenticity of the secret correspondence had been satisfactorily proved, and there will still remain the important question whether the imputed offence justified the penalty inflicted. If it be admitted that nothing can warrant a Paramount state in sequestering the territory of one of its allies excepting such acts, on the part of the latter, as placed it in the position of a public enemy, and imparted to the former, all the rights of war, no one, we think, will venture to assert that the intercepted Letters justified such a measure. They indicated, it is true, an unfriendly feeling towards the British, and they pointed to measures of defence—in the one case by a foreign alliance, and in the other by the collection of Troops—against our expected hostility: but there was not one hostile act either committed or apparently meditated. They were also in contravention of the existing treaties, which prohibited negotiation with other states and therefore furnished grounds for remonstrance, or even for precautionary measures of self defence, had any real danger been actually apprehended: but, in no point of view, could they be held to warrant either a public declaration of war, or a public confiscation of territory. Viewing their alleged offences in this light, we would next proceed to inquire whether such petty and childish intrigues, on the part of the Amírs, had placed them beyond the pale of mercy, or whether there were not some extenuating circumstances to plead, at least in mitigation of their punishment, if not for their entire forgiveness. On the part of the Amírs, it might have been urged that the British Government had itself contravened one of the most important provisions of the former treaties with these Princes, by transporting Troops and military stores up the Indus—that we had forced the existing treaties upon them, at the point of the bayonet, in pursuance of a policy the original grounds of which had just been publicly announced to be visionary and impolitic,\* and which we had now been compelled to abandon—that we had given an illiberal, and, as appears to us, an unjust interpretation to an ambiguous clause of the treaty with Mír Rústum, and compelled him to abolish all river tolls without any recompense for the pecuniary loss it entailed—that notwithstanding our solemn pledge to Mír Rústum that we would not “covet a dam or drain of his territories nor the fortress on this bank or that bank of the Indus,” the Governor

\* See Lord Ellenborough's Proclamation of the 1st October, 1842.

General had intimated his intention to retain possession of the fortress of Bukker and the Town of Sukker nearly five months before the inquiry into the charges against that Prince commenced—that we were at this very moment directly infringing our engagements with the same Prince, by retaining Bukker which we had especially engaged to restore after the Affghan Campaign, and by concentrating a large Army at Sukker when we had no Authority under the treaty to station any troops whatever in Upper Sindh\*—and finally, that the Governor General's Military Commander in Sindh was then meditating other and more flagrant violations of national justice and of public faith. It might have been further urged in behalf of these Princes, that they had not derived from these treaties any of the advantages political or commercial, which we had led them to expect—and that they had substantially befriended us at a time when even their passive friendship or neutrality would have been most injurious to our interests, and when their active hostility would have endangered the safety of our Armies, and perilled the whole of our Indian possessions. Under such a combination of aggravating circumstances on the one side, and of extenuating considerations on the other, we cannot but think, that if ever there was an occasion when complete forgiveness, would have been an act not merely of generosity but of justice, it assuredly was in the case we are now considering.

But if the declaration of an amnesty for all past offences, whether real or alleged, was deemed to be either impolitic or undeserved, surely no one will contend that either the demands of justice or consideration of sound policy required that the Amírs should be punished by such an arbitrary and indiscriminate spoliation of territory as the revised treaties contemplated. Was it not enough for the purposes of "just punishment," and for the efficient protection of British interests that we should exact the perpetual cession of Sukker, Bukker, Rorí, and Kurrachí, and occupy these stations with our troops at pleasure? Was there occasion to humiliate and oppress them still further by gratuitously and recklessly confiscating one third of the Upper Sindh territory, as if it had been a conquered province, for the purpose of conferring it on an obscure ally, whom the Governor General, for reasons only known to himself, delighted to honor and enrich, at the expense of other States?

\* "It will be remembered (writes Lord Auckland in December 1839) that we are under special engagement to restore Bukker to the Khyrpúr Amírs, and that we have no absolute right under treaty to station our troops within the Khyrpúr limits."

If the punishment denounced against Mír Rústum Khan of Khyrpúr and Mír Nussír Khan of Hyderabad was thus arbitrary, oppressive, and unjust, how inexpressibly flagrant was the injustice inflicted on the other Amírs, who had not even been accused of any participation in these puerile intrigues—on Mírs Mír Mahommed Khan and Shadad Khan of Hyderabad, against whom there were only some trivial charges of evasions of treaty, on the part of themselves or their officers—on Mír Nussír Khan of Khyrpúr, with whom we had not even the semblance of a written engagement—and on Mír Hússen Ali of Hyderabad, and Mírs Mahommed Khan and Ali Morad of Khyrpúr, against whom there was no sort of complaint.\* And yet these Princes, equally with the two former, were despoiled of their territories and sovereign rights, in defiance of every principle of honesty, justice, and good faith.

While we thus strongly reprobate this unrighteous act, it is just to Lord Ellenborough to record, that, at the time he directed its execution, he was obviously not aware of the full extent of the injustice he was committing. In the letter of instructions to Sir Charles Napier which accompanied the draft treaties, he expressly avowed his ignorance of the precise value, position, and ownership of the districts, which he had ordered to be confiscated: and, indeed, so vague and utterly erroneous was his information, that he made provision for the disposal of the *surplus tribute* to be surrendered by us *in excess* of the annual value of confiscated territory, when, in point of fact, the latter exceeded the former, as we have shewn, by upwards of seven lakhs of rupees. Seeing the grievous error which had been committed, Major Outram, on perusing the treaties when on the eve of leaving Sindh, (on the 12th November) strongly urged Sir Charles Napier to make a reference to the Governor-General, before tendering them to the Amírs; which, indeed, he was authorized to do by the discretionary instructions just referred to.† Notwithstanding the imperfect information avowedly possessed by Lord Ellenborough, and heedless of Major Outram's advice and of Mír Rústum's subsequent remonstrances, he delayed making the reference until the 30th of January—two months and a half after he received the treaties, and nearly two months after he had presented them to the Amírs. This fatal delay is the

\* Mír Sobdar Khan (of Hyderabad) "our friend" was alone exempted from these exactions.

† Sindh Parl. Pap. No. 388.

more deeply to be regretted, because on the day of its receipt, his Lordship intimated, that, while he wished all the territory which had been conquered from Bhawulkhan to be restored, his object in confiscating the country between the Bhawulpur frontier and Rorí was "to establish a communication between our territories on the Sutlej and Rorí through a friendly state, rather than to inflict any further punishment on the Amírs of Khyrpúr," and therefore, that, if Sir Charles was of opinion that the cessions originally demanded, pressed too heavily upon the Amírs, he was directed to submit any suggestion he might have to offer for its modification. These instructions, however, arrived too late; they came not until the battle of Míaní had sealed the fate of Sindh and its rulers.

The conduct of Sir Charles Napier in this matter, betrayed a most culpable neglect of duty, both towards his own Government and to the Princes of Sindh, and is deserving of the severest condemnation. But this constitutes only a part of his guilt in this painful transaction. Sir Charles, had assured the Governor General that *he himself* would present the treaty to the Amírs; and that he would "Spare no pains to convince them that neither injury nor injustice were meditated, and that by accepting the treaties they would become more rich (!) and more secure of power than they now were." Instead of pursuing this course, which a sense of duty no less than his promise so clearly prescribed, he deputed his assistant, neither to explain, to advise, nor even to negotiate, but to present the treaties and to admit of no remonstrance. They were tendered to the Amírs of Upper Sindh on the 4th, and to those of Lower Sindh on the 6th of December, accompanied by Letters from the Governor General as well as from Sir Charles to these Princes, and were verbally accepted on the 7th, by the deputies of both Provinces, who at the same time remonstrated against their injustice. The hostile attitude and menacing tone of the General had previously induced the Amírs of upper Sindh to adopt the precautionary measure of collecting some of their troops at their capital; but the perusal of the draft treaties, harsh and humiliating though they were, and the (fictitious) report made to them by their Vakíls that the General had now abandoned his intention of marching on their capital, and was about to send away the Bengal force, seems to have in some degree re-assured them; and, in the apparent hope of being able to procure by negotiation some remission of the terms, they began to disband their troops. The General's hostile measures, however, soon led to their recall.

Having crossed the Indus in hostile array, he, on the 8th,



publicly proclaimed the districts between Rorí and the Bhawulpúr frontier to be confiscated to the British Government from the first day of the ensuing year, and ordered that thenceforth "one cowree shall not be paid to the Kamdars of the Amírs." On the 18th he issued a second irritating proclamation, annexing these districts to the Nawab of Bhawulpúr, and prohibiting the Amírs, under threats of amercement, from collecting their revenues: and on the same day he sent the Bengal column to occupy the confiscated territory. The possessions, be it remarked, thus summarily and illegally seized, were the districts regarding which, he was, at the moment, withholding such official information, as in all probability would have induced the Governor General to modify his orders for their sequestration: and these districts were now seized on the plea of a treaty which was still unratified and which remained so for nearly two months afterwards. Well might the chronicler of the conquest affirm; that "the sword was now raised, and the negotiation became an armed parley." \*

While he was thus forcibly appropriating the territory of Mír Rústum, which he had been authorized only to negotiate for, by treaty, he on the 12th thus abruptly addressed that Amír, "I must have your acceptance of the treaty immediately—yea or nay." And again in the same arrogant strain; "The Governor-General has occupied both sides of your Highness' river, because he has considered both sides of your Highness' argument. But I cannot go into the argument,—I am not Governor-General; I am only one of his Commanders. The Governor-General has given to you his reasons, and to me his orders; they shall be obeyed."† We will venture to state, that the annals of Indian diplomacy do not present a picture of more overbearing haughtiness than this. To have treated a conquered enemy in this manner, would have been deemed an act of barbarous inhumanity: but to address such language to a sovereign Prince, with whom we were at peace, argued a scandalous dereliction of public duty. Well might the venerable Rústum say; "You have issued a proclamation, that, in accordance with the new treaty, my country, from Rorí to the boundary of Subzulkote shall be considered as belonging to the British Government from the 1st January. As yet I have not entered into a treaty to this effect: \*\*\* moreover be it known that I have distributed the districts above alluded to among my kindred and chiefs of Belúchistan." Such was the series of unjust and oppressive acts

\* Napier's Conquest, P. 156.

† Suppl. Sindh Pap. No. 8.

which proved the remote occasion of the Sindh Conquest; its proximate cause is now to be noticed.

Mír Rústum Khan, the Rais or Prince Paramount of Upper Sindh, the spoliation of whose territory has just been described, was now above eighty years of age. The succession to the sovereignty after his death was claimed on the ground of prescriptive usage, by his younger brother Mír Ali Morad; while Rústum, on the other hand, claimed the right of bequeathing the turban (or crown) to his eldest son Mahommed Hússen, and even of placing it on his head during his own life.

Of these two rival candidates, the ablest and the most unprincipled was Ali Morad, whose guilty intrigues were so soon to involve his kindred and country in ruin. His first object was to obtain from the British Government an acknowledgement of his title to the succession, and a promise of support, if necessary, in establishing his claim after Rústum's death: and this object being attained, he meditated the extortion of the turban, if practicable, during his brother's life. In furtherance of these objects, he persuaded Mír Rústum and the Khyrpúr Amírs to invest him with full powers as their representative to conduct all communications with Sir Charles Napier, and on the 23rd of November he succeeded in obtaining a personal interview with the General. At this memorable conference—memorable from the disastrous consequences to which it ultimately led,—Sir Charles having decided, on what ground is not stated, that Ali Morad had "the right" to the turban after the death of Mír Rústum, promised, on the part of the Governor General, to protect him in that right, provided "he continued to act loyally towards the British Government." He further assured him that Mír Rústum would not be permitted by the Governor General to invest his son with the dignity in question during his own life; because, he said, "it would be against the treaty for any one Amír to defraud another of his right."\* Without presuming to decide, in the absence of any recorded data, whether the abstract right to the turban rested exclusively with Ali Morad, as was authoritatively announced by Sir Charles; or whether the claims on that ground were equally balanced between the two candidates, as had previously been decided by Major Outram,† we are clearly of opinion, that, under the existing treaty, which acknowledged the supremacy of Rústum and his absolute control within his own territories, we should have had no grounds for interference had Rústum carried into effect his

\* Sindh Parl. Pap. No. 413, P. 45.

† Outram's Commentary, P. 104.

intention of investing his son with the turban during his life; although, in the event of a disputed succession after his death, its settlement might have rested with the British Government.

While Sir Charles thus guaranteed to Ali Morad the eventual succession to the sovereignty of Upper Sindh on Rústum's death, he indiscreetly, though perhaps unconsciously, intimated that the turban would be preserved to Rústum during his life "*unless he forfeited the protection*" of the Governor General: an intimation which Ali Morad appears to have determined to turn to his personal advantage, even before he left the General's presence: for he at once indirectly accused Mir Rústum of hostility, by stating that he (Ali Morad) and Mir Sobdar Khan of Hyderabad were "the only friends of the English," and by proposing that they two should make a secret treaty to stand by each other. It seems passing strange that such a proposition coming from a Chief who had expressly solicited the interview as the accredited deputy of Rústum, should not have excited any suspicion of his perfidy in the mind of the General.

Having thus attained, and more than attained, the secret object of his visit, this bold and unscrupulous Prince hastened to compass the immediate deposition or compulsory abdication of his brother: and Sir Charles appears to have heartily seconded him in his guilty ambition. "The next step, (writes the General\*) after giving Ali Morad a promise of the succession to the turban after Mir Rústum's death, was to *secure him the exercise of its power now, even during his brother's life.*"\* How this was accomplished, is now to be shewn.

At the very time when a British General was confiscating Mir Rústum's territory, and a perfidious brother was secretly meditating his deposition, domestic troubles had befallen "the good old man." On the 18th December—the day on which the General threatened to march on his capital and proclaimed his districts to be confiscated to the Khan of Bhawalpúr—he sent a secret message to the General, to the effect that he was in the hands of his family and could not act as his feelings of friendship for the English nation prompted him to do, and that if the General would receive him he would escape and come to his camp.† Surely under such an appeal it would have been an act of friendship and humanity peculiarly befitting, if not absolutely incumbent upon, the British General, whose duty it was "to represent the friendship as well as the power" of his Government, to have promptly responded to so

\* Sindh Parl. Pap. No. 445, P. 483.

† Supp. Sindh Pap. No. 15.

reasonable a request. But setting all such feelings aside, a just regard to political consideration should have dictated a ready compliance; for, if it really was the wish of the General to secure an amicable settlement of the treaties, no better opportunity for effecting this object\* could have been desired than this spontaneous offer, on the part of the Amír, to place himself under British protection. And, be it remembered, that the request emanated from the Sovereign Prince of the Province, at whose court he was the delegated British representative, and within whose territories he had resided for two months and a half, but with whom he had not yet had an interview.\* To have invited the aged Amír to his camp would most probably have effected the settlement of the treaties and secured the peace of the country, as it would have unmasked the character of Mír Ali Morad; and it was, therefore, a duty which Sir Charles owed both to that Chief and to his own Government. But we shall shew how different was the course of policy which he followed. "The idea struck me at once (he writes to the Governor General two days afterwards,) that Rústum might go to Ali Morad, who might induce him, as a family arrangement, to resign the turban to him:" and accordingly in pursuance of this "idea," he sent a secret Letter through Ali Morad to Rústum, recommending him to take refuge in his brother's fortress, trust himself to his care, and be guided by his advice. Bewildered and alarmed by the hostile proceedings of the General and by the dissensions within his own family, he fell into the snare, and on the 19th fled to Dejí-ka-kote. Having thus "thrown himself into his brother's power," by the General's advice, he was placed under restraint, deprived of his seals, and compelled on the following day to resign the turban to Ali Morad.† The great object of his policy having been successfully accomplished, Sir Charles thus laconically and exultingly reports its results; "This (the transfer of the turban) I was so fortunate to succeed in, by persuading Mír Rústum to place himself in Ali Morad's hands. This burst upon his family and followers like a bombshell."‡

Although the General was not acquainted, at the time, with the precise circumstances under which the turban had been fraudulently extorted from Mír Rústum, he, from the first, sur-

\* Mír Rústum had solicited an interview with Sir Charles on a previous occasion, but postponed it on the plea of sickness, though in reality he was dissuaded from it by his intriguing brother. He repeated his request, but was refused.

† Sindh Parl. Pap. P. 503.

‡ Sindh Parl. Pap. No. 445, P. 483.

mised that Ali Morad had "bullied his brother into making it over to him:" and now his suspicions as to the honesty of the proceedings were increased by the fact that a determination was obviously manifested in some quarter to prevent his having personal access to Rústum. This he resolved to counteract; and on the 27th he intimated to Ali Morad his intention of visiting Rústum on the following day. But before the morning's sun had risen, the aged Prince had fled in dismay to the desert.

The intelligence of Rústum's flight, viewed in connection with the extraordinary transactions of which it was the consummation, could not fail to stagger the General, and to augment his former well-grounded suspicions. Accordingly, in reporting the matter to the Governor General, he attributed it either to the aged Prince's dread of his (the General's) making him a prisoner—a dread, he adds, which had all along haunted him,—or to his having been frightened into the foolish step by Ali Morad, who, in order "to make his possession of the turban more decisive," might have told him that he (the General) intended to seize him.\* The accuracy of his conjectures was amply confirmed by the receipt of a communication, written on the following day, from Mír Rústum himself, disavowing the validity of the cession of the turban, as having been extorted from him, and stating that he had been induced to flee into the desert, and to avoid a meeting with the General, in consequence of the representation of Ali Morad that he (the General) wished to make him a prisoner. Rústum further intimates in his Letter, that he had sent ambassadors to the General to explain every thing, and concludes by expressing a hope that his case may be examined "by the scales of justice and kindness," and that he may receive his rights according to the treaty. The correctness of his statement was a week afterwards confirmed by the deputies just referred to, in presence of Ali Morad's own minister, as well as of Major Outram and Captain Brown.†

With such an array of circumstances and facts, all affording the strongest presumption that Ali Morad had fraudulently extorted his brother's birthright, and that, in the accomplishment of his wicked purpose, he had dared to stain the British name by imputing meditated treachery to the British representative,—it was the bounden duty of that officer to lose not an instant in instituting a full and searching inquiry into the whole circumstances of the transaction. An inquiry was due to the Sovereign Ally, whose rights we had guaranteed—it was due to the

\* Sindh Parl. Pap. No. 446..

† Outram's Commentary, P. 126.

personal character of the General himself—and it was, above all, due to the vindication of the faith and honor of the Government whom he represented. We grieve to record that no investigation whatever was made, either then or at any subsequent period, though thus imperatively required for the credit of the British name, and repeatedly and urgently solicited by the Amírs both of Upper and Lower Sindh. On the contrary, on the very day (the 1st of January) on which he received from Rústum the confirmation of his own previous suspicions, the General, with incredible inconsistency and in violation of every consideration of political prudence and moral justice, issued an arrogant and offensive Proclamation, addressed to the Amírs and people of Sindh, in which he gives a short but inaccurate outline of what had occurred; asserts that Mír Rústum, by his flight, had insulted and defied the Governor General; and declares his intention to “protect the chief Amír Ali Morad in his right, as the justly constituted Chief of the Talpúr family.”\* On the following day he addressed a letter of similar purport to Rústum,—charging him with misrepresentation, subterfuge, and double dealing; and concluding with these words, “I no longer consider you to be the chief of the Talpúrs, nor will I treat with you as such, nor with those who consider you to be Rais.†

Ali Morad having been thus formally proclaimed as the justly constituted Rais of Upper Sindh, the General, without waiting for instructions from the Governor General, did not hesitate to pledge the British Government to grant to the usurper all lands said to appertain to the Turban, without knowing or inquiring what those lands were. Supported by the General, Ali Morad appropriated territory at his pleasure, and resumed, on the plea of the Turban, lands which had passed into the possession of feudatory chiefs: thereby creating general disaffection and alarm.

The aggregate annual value of the territory left to the Amírs of Upper Sindh, under the exactions of Lord Ellenborough's yet unratified treaties, was only Rs. 14,29,000: of this amount Ali Morad's share, was Rs. 4,45,500, leaving to the other Amírs Rs. 9,83,500. Now Sir Charles had not only pledged to Ali Morad, in virtue of his usurpation of the

\* Suppl. Sindh Pap. P. 6.

† Suppl. Sindh Pap. No. 17. We have deemed it to be quite unnecessary to enter into an examination of the discordant and contradictory statements to be found in the different versions given by Sir Charles Napier of this very discreditable transaction; but refer our readers to the fifth chapter of Colonel Outram's Commentary, where they will find the whole subject of the compulsory abdication of the Turban analyzed and exposed with much minuteness and ability.

Turban, one-fourth of the aggregate revenues of Upper Sindh, but had moreover stipulated that this fourth should be deducted, not from the aggregate revenues of the Province (Ali Morad's own revenues included) but from the revenues of the other Amírs. Thus these unfortunate Princes were called upon to pay, not the fourth of their own possessions, viz. Rs. 2,40,000, but a fourth of the entire revenues of the Province, or Rupees 3,57,250 :—which, added to the sum of Rs. 1,50,000 to be paid to Ali Morad as an indemnity for his possessions confiscated to Bhawul Khan, swelled the total exactions made by the usurper to Rs. 5,07,250 :—leaving a balance of little more than six lakhs of Rupees for the support of no less than eighteen Amírs, with their families, dependants, and feudatory Chiefs, who had up to that period enjoyed an annual revenue of Rs. 17,44,000.

In the mean time, while these startling events were in progress, Major Outram, who was on the eve of embarking for England, was recalled to act as a British Commissioner, under Sir Charles Napier, for settling the details of the Ellenborough treaties. That officer, disregarding all personal considerations, promptly repaired to Sindh, to act as a subordinate in the countries where he had so recently held supreme political control. He accepted the situation in the hope that he might yet be enabled to save the ill-fated princes of that devoted country : but their doom was fixed, and he was unable to avert it. What Sir Alexander Burnes was in Affghanistan under Sir William Macnaghten, Major Outram was in Sindh under Sir Charles Napier. Both were powerless for good : and both must have appeared in the eyes of the Princes and people of the country as countenancing and approving a system of policy which was utterly at variance with their known characters and with their former opinions. This is painfully exemplified in the final conferences, when the Amírs pour forth their remonstrances and complaints against the cruelties and injustice which they had suffered, and the Commissioner, in consequence of the instructions he had received, has not the power of holding out the slightest hope that their grievances would even be inquired into. We are, however, anticipating the regular course of our narrative.

Major Outram joined the General's Camp at Dejí-ka-kote, the fortified residence of Ali Morad, on the 4th of January (1843)—three days after the proclamation of that Prince as the supreme ruler of Upper Sindh. He used every effort to check the General in the course on which he had so unfortunately entered. He pointed out the palpable treachery and extortion by which Ali Morad had possessed himself of the turban ; his unwarrantable and indiscriminate resumption of

lands alleged to appertain to the Rais-ship; the consequent injury and injustice it would entail on the other subordinate Princes and Chiefs; and the general disaffection, if not insurrection, it would create throughout Sindh. But the warning was disregarded: the General, deaf alike to the voice of reason, to the calls of justice, and to the solemn obligations of treaty, pursued his impetuous career. Having, without any declaration of war, marched in hostile array upon the capital of Upper Sindh, with whose chief we were at peace, and at whose hands we had received such signal benefits; having taken Military possession of an extensive tract of country on the plea of a yet unratified treaty; having unauthorizedly lent the sanction of the British name to the usurpation of the turban by a crafty and unprincipled chief, under circumstances—to which, he himself had been a party—that involved the strongest suspicions of treachery and violence; and having sanctioned his indiscriminate appropriation of lands on the pretext of their appertaining to that turban, which he had usurped;—the General proceeded, in the name of the usurper, to seize and make over to him all the fortresses in Upper Sindh. One of the first of the strongholds invaded was Emaunghur, the name of which must be familiar to all our readers.

Emaunghur, let it be observed, was the private property of Ali Morad's nephew, Mír Mahommed Khan, a chief against whom no charge of "hostility or unfriendliness," had even been preferred, and whose possessions were guaranteed to him, by a separate agreement, under the treaties of 1839. The sole object which the General seems to have first had in view, when he determined on capturing this "Sindhian Gibraltar" as he terms it, was the moral effect likely to be produced by so daring an achievement: and we find him writing to the Governor-General on the 27th December: "I have made up my mind, that though war has not been declared (nor is it necessary to declare it) I will at once march upon Emaunghur, and prove to the whole Talpúr family of both Khyrpúr and Hyderabad, that neither their deserts nor their negotiations can protect them from the British troops." But as this might be considered, and justly considered, an unwarrantable invasion of private rights, he some days after bethought himself of calling in question Mír Mahommed's title to the fort, and here, as on former occasions, we are again startled by the General's contradictory statements. In one place, we find him describing it as "belonging to Mír Mahommed Khan, but becoming the property of Ali Morad by his election to be



chief.”\* But if the fort appertained, as of right, to the turban, why was it not in possession of Mír Rústum who wore the turban? In another place he states that “it *was* Ali Morad’s, but he gave it to one of his relatives (Mír Mahommed Khan) three years ago.” If it did really belong, at some antecedent period, to Ali Morad—which we merely assume for the sake of argument—we would ask, how came he, not only to be the proprietor of it, but to alienate it to another chief, while Rústum wore the turban, to which Sir Charles had just told us it of right belonged. Again, on a third occasion, he shifts his ground of defence, and rests the justification of its seizure on the allegation that the owner was “in rebellion” against Ali Morad. But it is painful to dwell on such contradictions. Nothing but an inward conviction of the injustice of the measure could have drawn forth such a defence.

Sir Charles marched on Emaunghur with a light detachment on the night of the 5th of January; saw no enemy on his route; and on his arrival at his destination found the fort deserted. Before setting out on this expedition he had intimated to the Governor General his intention of sending word to the Amírs in Emaunghur that he would neither plunder nor slay them if they made no resistance. These chiefs, however, apparently distrusting the General’s good faith, abandoned the fort: and the latter, in breach of his solemn promise, destroyed and plundered it, after having obtained with difficulty the consent, (not of “the owner,” but) of Ali Morad. Before quitting this subject, we must prominently notice, that, while Sir Charles affects to have taken possession of this fortress in support of the authority of Ali Morad, we find that he had resolved on placing all the forts in the hands of his puppet, even before he had usurped the turban. “I will place their forts (he wrote before Rústum’s abdication) in the hands of Ali Morad, nominally in those of Mír Rústum.”†

Having accomplished this unprovoked inroad into the heart of the territory of an allied Prince, and having completed the spoliation and destruction of the fortress, in direct violation of the treaty, and of his own plighted word, the General retraced his steps towards the Indus. He, at the same time, deputed his Commissioner Major Outram to Khyrpúr to meet the Amírs of Upper and Lower Sindh, with a view to the arrangement of the intricate details of Lord Ellenborough’s treaties.

\* Sindh Parl. Pap. No. 448.

† Sindh Parl. Pap. P. 478.

In a circular letter, addressed to them by the General, the several Amírs were directed to attend at Khyrpúr, either personally or by Vakíls, adding, that, if any one of them failed to furnish his deputy with full powers, he would not only exclude him from the meeting but would "enter the territories of such Amír with the Troops under his orders, and take possession of them in the name of the British Government." Notwithstanding this threatening Letter, none of the Khyrpúr Amírs made their appearance within the stipulated period. Having been distinctly informed that no alteration could be made in Sir Charles's arrangements with Ali Morad,—whose usurpation of the Turban, with all its attendant territorial exactions, was to be considered a closed question,\*—Mír Rústum proceeded in the direction of Hyderabad to join his fugitive relations.

Finding it impossible to avert the ruin which was befalling the Amírs of Upper Sindh, Major Outram asked the General for permission to proceed to Hyderabad without delay, in the hope of reaching that capital in time to prevent its princes from giving aid or refuge to their fugitive kinsmen, and also of being enabled, by their means, to procure the submission of the latter. The General's reply, acceding to his application, was intercepted, it is believed, by Ali Morad's Minister, and never reached Major Outram. Two days after this, Vakíls, bearing the seals of the Amírs of Hyderabad, arrived at Sir Charles's head-quarters, with full authority to affix them to the treaties. Instead of procuring the signature of the Vakíls to their unconditional acceptance (leaving the details for future adjustment) he injudiciously desired the deputies to return to Hyderabad to meet Major Outram on the 6th of February. This was certainly an unfortunate decision: but, with a still more lamentable want of judgment and of consistency, he, in a letter to the Hyderabad Amírs apprizing them of what he had done, expressed a hope that the Khyrpúr Amírs would also proceed to Hyderabad to meet his commissioner, adding, "if they do not, I will treat them as enemies:"—thereby advising and directing the adoption of the very measure which Major Outram so much deprecated, and the prevention of which was the main object of his proposed visit to Hyderabad.

\* Notwithstanding the obviously imperfect information under which Lord Ellenborough drew up the draft treaties, and the discretionary power which he gave the General to refer all doubtful points, the latter persisted to the last in carrying out these oppressive exactions to the uttermost. "Whether such arrangement," he writes to Major Outram, "leaves the former (the opposed Amírs) one rupee or one million, does not, in my view of the case, come within our competence to consider."

The interception of the General's Letter and other unavoidable causes prevented Major Outram's departure from Sukker till the 4th of February: and on reaching Hyderabad on the 8th, he found that Mír Rústum, acting in obedience to the General's orders, had arrived there four days before him. Thus Sir Charles Napier had completely embroiled the Amírs of Hyderabad in the misfortunes of their cousins of Khyrpúr, and had succeeded most effectually in frustrating the very object for which his Commissioner had been deputed to Lower Sindh:—a result which the Hyderabad Chiefs themselves had all along dreaded, and had heretofore prevented, and to which they attributed all their subsequent misfortunes.

Having entered so much at length into the remote and proximate causes that led to the subjugation of Sindh, it will be unnecessary to dwell upon the memorable occurrences which marked its final accomplishment. In the conferences which Major Outram held at Hyderabad with the Amírs of both Provinces, they solemnly denied the truth of the charges on which the new treaties were imposed, and complained that they had never been allowed an opportunity of disproving them. The great subject of earnest and repeated remonstrance, however, was the unjust extortion of the turban from Mír Rústum. That chief re-iterated his previous allegations, that, in conformity with the General's express directions, he had sought refuge with Ali Morad, who placed him under restraint, made use of his seals, and compelled him first to resign his birthright, and then fly from Dejí-ka-kote on the General's approach. Although they strongly protested against the harshness and injustice of the exactions of the revised treaties, all the Amírs agreed to sign them, upon condition that Mír Rústum should be restored to his hereditary rights.

Finding that the Commissioner was unauthorized to give them any assurance, or even to hold out any hope, of Rústum's restoration, they then endeavoured to exact a promise, that an *inquiry* should be instituted, and that in the event of their substantiating the truth of what they had alleged against Ali Morad, the turban should be restored to Rústum, and the lands which had been wrested from his kindred and feudatories on the plea of belonging to the turban, should be given back to them; or, should this request not be complied with, they entreated that they themselves might be allowed to settle their dispute with Ali Morad without British interference. They urged a promise of inquiry, not only as an act of justice to Rústum, but also as the only means of allaying the excitement of the Belúchís; who had been flocking into the capital

during that day and the preceding night, and who had refused to disperse until Rústum's wrongs should be redressed.\* Major Outram's instructions, however, were peremptory and left him no discretionary power: he could only promise to forward to the General any representation they might have to make on the subject; and in the meanwhile urged upon them an immediate compliance with the terms of the treaties.

At length, on the evening of the 12th, the Amírs formally affixed their seals to the draft treaties in open durbar. On their way back to the Residency, Major Outram and his companions were followed by a dense crowd of Belúchis, who were only prevented from attacking them by "a strong escort of horse sent for their protection by the Amírs, under some of their most influential Chiefs." On the following day the Amírs sent a deputation to Major Outram to intimate, that, after his departure from the Durbar on the preceding evening, all the Belúchi Sirdars had assembled, and learning that, notwithstanding the acceptance of the treaties, the commissioner had given no pledge whatever for the redress of Rústum's grievances, they took an oath on the Koran to oppose the British troops, and not to sheath the sword until that chief and his brethren had obtained their rights. The Amírs further stated, that they had lost all control over their feudatories, and that they could not be answerable for their acts, unless some assurance were received that the rights of Rústum would be restored. On that and the following day, they forwarded repeated verbal and written messages to Major Outram, to the same purport,—entreating him, should he not be empowered to grant the required assurance, to leave the Residency, as they could not restrain their exasperated followers. Notwithstanding these warnings he determined to remain at his post, at all risk, lest his departure should precipitate hostilities.

While these events were in progress, Sir Charles Napier was marching with his small army upon Hyderabad. He had intended and pledged himself, as late as the 12th, to halt and embark the troops for Kurrachí, as soon as he received the Amírs' acceptance of the treaties: but, ere it arrived, he was within two or three days' march of the capital, and had obtained information that the Belúchis were assembling in large numbers in the town and neighbourhood of Hyderabad. Under these circumstances, which had been brought about by his own acts, the safety of his army and other military considerations

\* The Belúchis were further exasperated at the moment by the intelligence of the seizure of Hyat Khan, a Muri and Sindhian Chief.

determined him, instead of halting as he had promised, to continue his march. The news of this determination was brought to the Amírs by the camel rider who had conveyed Major Outram's dispatch announcing the acceptance of the treaties.

War was now inevitable; and both parties appear to have arrived at this conclusion at the same time. At 9 A. M., on the 15th, Sir Charles wrote to Major Outram, "I am in full march on Hyderabad, and will make no peace with the Amírs. I will attack them instantly, whenever I come up with their troops." At the very hour, when the British General thus formally *declared* war—for he had practically been carrying on warlike operations for two months—hostilities were commenced by the Amírs' Troops in their attack on the British Residency, the heroic defence of which by Major Outram, with his small honorary escort under the command of Captain Conway, against eight thousand Belúchís, formed, perhaps, the most extraordinary achievement of that brief but memorable campaign. Then followed, in rapid succession, the brilliant victory of Míaní, won by the gallantry of our troops and by the military genius and intrepid valor of their General, against the united forces of Upper and Lower Sindh—the surrender of the Amírs and the capitulation of Hyderabad—the hard-fought battle of Dubba, in which our troops defeated the Army of Mír Sher Mahommed of Mírpúr, who escaped after the battle—the public notification of the annexation of Sindh to the British dominions,—and, finally, the captivity and exile of all the Amírs. It does not fall within our present purpose to give a detailed narrative of these transactions: but there are a few points connected with them which require special notice.

The first of these relates to the attack on the Residency. That measure was characterized by Lord Ellenborough, in his notification of the 5th March, as "a treacherous attack upon a representative of the British Government," and as a "hostile aggression prepared by those who were in the act of signing a Treaty:" the character thus affixed to this hostile measure being based upon Sir Charles Napier's official report that the Amírs signed the treaty on the night of the 14th, and that they attacked the Residency on the following morning. On this we would remark, 1st. That the treaty was signed on the 12th, and not on the 14th, as erroneously reported by the General; 2d. That during the two days and three nights which intervened between the execution of the treaty and the commencement of hostilities, the Amírs, as has been shewn, sent repeated messages, verbal, and written, to Major Outram,

urging his departure on the ground that they could not restrain their feudatories, and that they themselves would be compelled to join with them, unless the General should halt, and promise an inquiry into Mír Rústum's grievances. To designate the attack on the Residency, after such repeated warnings, as a "treacherous" attack, was a direct perversion of language and of fact. It was in truth the first reciprocation, on the part of the Amírs, of hostilities which the British General had commenced two months before, and which, before the commencement of the attack, he had resolved to prosecute with vigour.

The second point which requires notice is the suppression by Sir Charles Napier of the notes of the conferences between the Amírs of Sindh and Major Outram, in violation of his official duty and of his promise to forward them to Government. An examination of these documents by the Governor General was absolutely necessary to his acquiring a just knowledge of the points at issue between the Amírs and his representative. The perusal of them would have acquainted his Lordship that the Amírs had unreservedly acquiesced in the terms of his treaties, harsh and oppressive as they were; but that they protested against the fraudulent exactions from Mír Rústum, which formed no part of their stipulations, and the unjust and unauthorized enforcement of which, by his General, proved, the immediate cause of the war. The shifting and contradictory reasons subsequently assigned for withholding these important documents are melancholy exemplifications of the subterfuges to which it becomes necessary to resort in support of an indefensible act.

A third point to which we would advert, regards the terms on which the Amírs surrendered on the day after the battle of Mianí. Having previously received, through their Vakils, a promise of honorable treatment, those Amírs who were present in the battle (viz. Mír Rústum, Nussír, and Mahommed Khans of Khyrpúr, and Mír Nussír, Shahdad, and Hússen Ali Khans of Hyderabad) entered the British Camp, and surrendered to the General, who returned their swords, and intimated that they would be treated with consideration, until the receipt of the Governor-General's instructions for their ultimate disposal. Under this guarded stipulation, Sir Charles could not be held responsible for the fate of any of these six Princes, with the exception of Mír Hússen Ali, Major Outram's ward. As no charge had ever been preferred against this young Prince, who was only sixteen years of age, except that of being present in the battle, Major Outram interceded

in his behalf, and obtained his release, and, as was inferred, his pardon. Notwithstanding this, he was soon afterwards arrested, without any assigned reason, and imprisoned with the others. That there may have been a misconception of the General's precise meaning when he set him at liberty, is extremely probable: but, as the misapprehension was entertained not only by the Prince himself and the whole of his family, but also by the British Officer at whose intercession he was released, his subsequent imprisonment, without any known cause, cannot be reconciled with the strict principles of justice and good faith.

But whatever difference of opinion may have existed regarding the treatment of Mír Hússen Ali, there can be but one opinion as to the injustice perpetrated on Mírs Sobdar Khan and Mír Mahommed Khan. The former of these had, up to the outbreak of hostilities, been recognized by all parties as the "old and ever faithful friend and ally" of the British Government, the latter had on all occasions been employed as a mediator between contending chiefs; and neither of them had been present at Míani. It was, in consequence, intimated to them by the General, after the battle, that no harm should befall them, if they remained quietly in their houses. Under this assurance they peaceably surrendered the fort of Hyderabad, which Sir Charles admitted he could not have captured without reinforcements; and three days afterwards they were arrested, and condemned to share the fate of their kindred. The treatment of these two Princes has left an indelible stain upon the humanity, justice, and good faith of the British Government.

The next question which arises, and which has been the subject of much angry discussion, refers to the property seized in the fort of Hyderabad, and subsequently appropriated as prize. As the fortress was surrendered, and not captured, it follows that whatever treasure or other property was found therein, that could justly be considered lawful prize, belonged of right to the British crown, or the East India Company, and not to the Army. But the complaint chiefly insisted on by the Amírs, was, that they had been deprived, by the Prize Agents acting under the General's Orders, not only of the state property, but also of their personal and private property, including personal ornaments, clothing, and articles of household furniture. Another complaint urged by them, under this head, was, that the privacy of the female apartments was violated; that the Princesses were compelled to throw away their ornaments, rather than undergo the shameless scrutiny to

which they knew they would be subjected; that jewels and other property were actually taken from the persons of their female attendants; and that the houses of some of their servants were plundered. These alleged acts of spoliation were aggravated by the circumstance of their having been committed, not in the immediate excitement of a siege, but at an interval of two or three days after the peaceful surrender of the fort. There may possibly have been some exaggeration, and mis-statement in these accusations: but their substantial truth has never been publicly disproved.

It is scarcely necessary to notice, except for the purpose of denouncing, the apparently vindictive spirit in which Sir Charles Napier, with the aid of his brother the Historian, has traduced the public and private characters of the Amírs. There is something, to our thinking, at once unmanly and ungenerous in the seeming virulence with which the conqueror of Sindh has thus endeavoured to embitter the exile of the unfortunate victims of his power, and his injustice. If he had even established the truth of the monstrous crimes and vices which he has laid to their charge, he would not in the slightest degree have thereby diminished the political and moral injustice which led to their dethronement: but when we find that these charges are, either utterly devoid of truth, or, to say the least, grossly exaggerated, we feel as if the original injustice of the conquest were almost obliterated by the atrocity of the subsequent libels upon the conquered Princes. In vindication of the character of the Amírs, however, Colonel Outram has adduced the written testimony of several British Officers, who, from their official relations to these Princes during the later period of their rule, and since their exile, have had peculiar opportunities for acquiring a correct opinion, and whose characters are a sufficient guarantee for the scrupulous accuracy of their evidence. From the concurring testimony of the officers we are bound to exonerate their private character from some of the more revolting vices which have been laid to their charge, and to rank them as rulers rather above than below the ordinary level of the *Mahommedan Princes* of India.

We have already in the course of our narrative anticipated most of the observations that naturally arise from a review of the transactions which have been detailed. But, before we conclude, it seems right that we should endeavour to apportion to Lord Ellenborough and to his General their respective shares in the responsibility of these proceedings.

The first great error which Lord Ellenborough committed in the management of our relations with the States on the



Indus, was the supercession of Major Outram, the British Representative by Sir Charles Napier, and the subsequent entire abolition of the Political Agency in that country. We are fully aware of the advantages which result from an union of Political and Military Control in the person of one officer, both on account of the additional weight and influence, with which it invests him, and also because it tends to prevent the delays, jealousies, and consequent injury to the public interests, which may arise, in cases of emergency, from a divided and conflicting authority. But where the officer selected for the duty does not possess the requisite union of Political and Military qualifications, then is there no measure more hazardous to the public peace, or calculated to be more detrimental to the public interest. Lord Ellenborough selected for the discharge of these united functions in Sindh, an officer who was as admirably fitted for the one duty as he was utterly disqualified for the other. He superseded an incapable Commander by the ablest General in India; but at the same time he displaced a Political functionary of tried efficiency to make room for an inexperienced officer, whose utter incompetence for the duty has been made apparent in almost every page of the foregoing narrative. In this arrangement his Lordship evinced either a want of discernment of character, or a more culpable waywardness of disposition, to the indulgence of which the public interests were sacrificed.

The second objectionable measure, for which he must be held responsible, was the imposition of the Revised Treaties, which, as we have shewn, proved the remote cause of the revolution. It has been seen, that, had the General not culpably withheld official information which it was his duty to have communicated, the details of the measure might have been modified and rendered less oppressive to the Amirs: but, after making the necessary deduction on this ground, there will remain much that is censurable both in the terms of the treaties and in the grounds upon which they were imposed. In the first place, he acted unwisely in entrusting to an inexperienced Subordinate Agent the power of passing a final decision upon a matter which was to involve, in its consequences, the forfeiture of the sovereign rights, and of a large proportion of the territorial possessions, of an allied state. But even if the General's decision upon the questions referred to him had been supported by clear and undeniable evidence—a supposition very remote from our real conviction,—we should still consider the treaties which Lord Ellenborough based upon them to be most impolitic. Independently of all other objectionable clauses,

the indiscriminate sequestration of the territory of the different associate rulers of Sindh, and its cession to the neighbouring chief of Bhawalpûr, not only immediately involved all these rulers in the punishment avowedly inflicted for the alleged offences of only a portion of them, but was calculated to perpetuate future discord between the rulers and people of the two states, and to provoke a feeling of bitter and lasting animosity against the British Government.

Lastly, it is to Lord Ellenborough alone that we are to ascribe the dethronement, captivity, and exile of the Amîrs, and the annexation of Sindh to the British dominions.

Among the more prominent errors and faults committed by Sir Charles Napier, during the few eventful months of his diplomatic career in Sindh, the first to be noticed is the general mode in which he performed the political duties of his office.

The functions of a British Representative at the court of a protected native state, if we understand them aright, involve the twofold duty of upholding the authority and interests of his own Government, and of conciliating the friendship and watching over the interests of the Durbar to which he is accredited. He represents a Government which has engaged to protect as well as to control; and if he neglects the performance of either of these offices he must be considered to have failed in the fulfilment of the responsible duties committed to his charge.

If we apply this test to the political services of Sir Charles Napier in Sindh, we shall find how grievously and how fatally he failed in their performance. Of the two branches of political duty, just referred to, he altogether neglected the one, and he performed the other with unnecessary and unjustifiable harshness. The former political Agents, as the Historian admits,\* had gained the friendship of these Princes, and there appears no reason to doubt but that Sir Charles would have been equally successful had he evinced a similar desire to obtain it. Instead of attempting to conciliate their confidence, he evinced in all his communications with them a degree of arrogance and harshness that was altogether unprecedented in the official intercourse between allied States, and that was calculated to have a most injurious effect upon the interests of both Governments. Almost every page of the Sindh Blue Books confirms this fact. He, moreover, exercised an interference in their internal affairs, that was not only unauthorized, but was expressly prohibited, by the treaties.

The second point to which we have to advert is his inexcusa-

\* Napier's Conquest, 4.

ble omission in not supplying the Governor General with full and correct information on points where his Lordship's knowledge was declaredly defective or obviously inaccurate, and in not forwarding to him such representations and remonstrances as the Amírs repeatedly made against the measures which were in progress or were about to be enforced. This is perhaps to be ascribed, in part, to forgetfulness, but it seems also to have arisen in some degree from a mistaken conception of the duties of his office. He appears to have looked upon himself as the Governor General's "Commander," delighted to carry his orders into rigorous effect; rather than as his Lordship's Political Agent, whose duty it was to supply him with full and accurate information on every point connected with the duties of his office. The grievous results of Sir Charles Napier's ignorance or heedlessness or culpable neglect of this duty have been fully detailed.

His hostile invasion of the dominions of the Prince of Upper Sindh, with whom we were at peace, and were then negotiating a Treaty; and his Military occupation of extensive districts on the plea of that yet unratified engagement, constitute his third great offence. The injustice of this, however, must be shared by the Governor General, who, when issuing instructions to the General for an amicable negotiation, intimated at the same time, in no unintelligible terms, his wish that the Amírs should feel the force of our arms.

The fourth measure chargeable against Sir Charles Napier is one of which the conception and execution rested entirely with himself. We allude to the unjustifiable capture and demolition of Emaunghur—a fortress belonging to a chief who had never even been accused of any participation in the hostile intrigues alleged against some of the others.

The greatest, however, of his numerous offences was his having, in conjunction with Mir Ali Morad, compassed the forcible deposition of Mir Rústum Khan, the prince Paramount of Upper Sindh, at whose court he was at the time the British Representative. In furtherance of this intrigue, as has been shewn, he counselled Mír Rústum to put himself into the power of Ali Morad; he publicly proclaimed the usurper's accession to the throne, without the Governor General's authority for so doing, and in utter disregard of Mír Rústum's solemn protest against the illegality of his abdication, as having been forcibly and fraudulently extorted from him; he publicly notified his determination to treat as rebels all who refused to acknowledge the authority of the usurper; he officially sanctioned the usurper's unwarrantable and indiscriminate

appropriation of territory in the possession of the other Amírs ; and lastly, he obstinately refused to institute or sanction any inquiry into the circumstances of the usurpation. This series of impolitic, unjust, and discreditable acts, proved the proximate cause of the Sindh Revolution, and has left an ineffaceable stain on Sir Charles Napier's reputation as well as on the good name of the British Government.\*

Such is a very imperfect sketch of the leading particulars of the conquest of Sindh—a conquest, which, whether it be viewed in reference to the political and moral injustice in which it originated, or to the unjustifiable proceedings which marked its progress and its close, has happily no counterpart in the history of British India during the present century. If we would find a precedent for the spoliation of the Amírs we must go back to the times of Warren Hastings ; and to the injuries inflicted on Cheyte Singh by that able but unscrupulous statesman. In the revolution of Benares, as in the revolution of Sindh, the paramount authority imposed unjust and exorbitant demands (pecuniary in the one case, territorial in the other) on its tributary allies—answered respectful remonstrances by insolent menaces and hostile inroads—treated defensive preparations as acts of aggressive hostility—rejected all overtures for amicable negotiation—goaded them to resistance in defence of their sovereign rights—defeated them in battle—confiscated their territories—and finally drove them into exile. While there was this general resemblance, however, between the atrocities committed on the banks of the Ganges in 1781, and those enacted in the valley of the Indus in 1843, the impelling motives and the ultimate results of the policy pursued by the two Indian rulers were widely different. In the one case, there was an exaction of money demanded, on the urgent plea of state necessity, to relieve the pressing financial embarrassments of the Government ; in the other, there was a spoliation of territory, originating in a whimsical solicitude to enrich a favourite ally, who had no claims whatever upon our bounty :—the one Governor General, by his unjust policy, acquired a district yielding a considerable addition to the permanent revenues of the state—the other, by a similar course of injustice, bequeathed to his country a province burdened with what has hitherto proved a ruinous,

\* The venerable ill-requited Chief who was the victim of such unparalleled injustice, has been released by death from the sorrows of his exile. He expired at Púna on the 27th of May last, and the grave closed, soon after, over another victim, of British oppression—Mír Sobdar Khan, the "ever faithful friend and ally" of the British Government.

and may prove a permanently ruinous, annual expenditure to the state.

While the present century nowhere furnishes a precedent or a parallel to our recent proceedings in Sindh, it is a subject of congratulation that the current year supplies us with a most remarkable and instructive contrast. The spotless justice of the recent war on the Sutlej, and the deep-stained guilt of the war on the lower Indus—the forbearance of Lord Hardinge, who scrupulously maintained peace until a wanton and unprovoked invasion compelled him to draw the sword, and the unjust aggressions by which Sir Charles Napier goaded the Princes and people of an allied state to resistance in defence of their sacred rights—the generous moderation which closed the triumphs of the former, and the oppressive and retributive severity with which the latter followed up his victories:—all furnish points of contrast so striking and so extraordinary, that posterity will hardly credit the fact, that the chief actors in these two campaigns lived in the same century, and were brought up, in the same Military School.

It only remains to say a few words regarding the two works, whose titles are placed at the head of this article.

The “Conquest of Sindh” presents the same characteristic peculiarities which we alternately admire and regret in the previous writings of the Historian of the Peninsular war. We find the same spirited and graphic narration of military operations; the same clearness of topographical delineation; the same vivid and thrilling descriptions of the battles. But these merits, great as they undoubtedly are, are disfigured by even more than the usual proportion of his characteristic faults. A turgid extravagance of diction pervades the general narrative; many of his statements and opinions are singularly distorted by personal and party prejudice; and the direct perversions of facts are so many and so serious, as irretrievably to mar its character for trustworthiness. These misrepresentations are rendered subservient, on every occasion, either to the undue exaltation of Lord Ellenborough and Sir Charles Napier, the unjust depreciation of Lord Auckland and Colonel Outram, or the indulgence of a feeling of what we fear must be regarded as malignant hostility towards the Ex-Amirs of Sindh.

Many of the misstatements to which we have alluded are exposed with unsparing freedom, but in a tone of great moderation, in Colonel Outram’s Commentary, which presents, in many respects, a remarkable contrast to the work upon which it comments.

We regret that our limits do not admit of our furnishing

any adequate specimens of the earnest, truthful, straight-forward, and business-like style in which the author has treated every department of his intricate and voluminous subject. Our anxiety has been to disentangle, for the benefit of the general reader, the main thread of the narrative of leading facts, from the multitudinous details which are apt to weary or repel those who are neither personally nor officially concerned in the evolutions of the Sindhian tragedy. In this way we have endeavoured to contribute our mite to the diffusion of sound and accurate views respecting its real character and merits; since an undistorted retrospective view of what has actually occurred can alone effectually pave the way to healing prospective measures. And we are very sure, that, to the noble-minded author of the Commentary, any service calculated to exhibit *the truth, the plain undisguised truth*, as respects the memorable series of events which led to the subversion of the Talpúr Dynasty in Sindh, must prove far more gratifying than any elaborate attempts to illustrate his own personal merits, or those of his recently published work.

Towards the conclusion, however, of the work there is one passage so well fitted to display the moral grandeur of his sentiments, that we must find room for it:—

“ Reverentially I say it, from my first entrance into public life, I have thought that the British nation ruled India by the faith reposed in its honour and integrity. Our empire, originally founded by the sword, has been maintained by opinion. In other words, the nations of the East felt and believed that we invariably held treaties and engagements inviolate; nay, that an Englishman’s word was as sacred as the strictest bond engrossed on parchment. Exceptions, no doubt, have occurred; but scrupulous adherence to faith once pledged was the prevailing impression and belief, and this was one of the main constituents of our strength. Unhappily this charm has, within the last few years, almost entirely passed away. Physical has been substituted for moral force—the stern, unbending soldier for the calm and patiently-enduring political officer; functions incompatible—except in a few and rare cases—have been united; and who can say for how long a space—under such a radical change of system, such a departure from all to which the Princes and People of India have been accustomed, and most highly value and cherish—the *few* will be able to govern the *millions* ?

\* \* \* \* \*

‘The moral effect of a single breach of faith is not readily effaced. “I would,”—wrote the Duke of Wellington, on the 15th of March 1804,—“I would sacrifice Gwalior, or every position in India, ten times over, to preserve our credit for scrupulous good faith, and the advantages and honour we gained by the late war and peace; and we must not fritter them away in arguments drawn from overstained principles of the laws of nations, which are not understood in this country. *What brought me through so many difficulties in the war, and the negotiations for peace? The British good faith and nothing else?*’

It is another great misfortune, that acts like those I am deploring, pre-

vent those who are really imbued with pacific views and intentions, from acting upon and carrying them out. The present Governor-General, to his honour be it said, has endeavoured to carry out his wise and pacific intentions to the utmost verge of prudence and forbearance. Who shall however venture to say that his measures, which we know to have been purely defensive, have not, under the warning of Sindh, been regarded by the Sikhs as indicative of meditated aggression on the first favorable opportunity; or that the bold step they adopted of invading our borders, is not to be attributed to the distrust and suspicion excited in their minds by the subjugation of the Princes and People of Sindh?

If, in the performance of the necessary duty of self-vindication, I have read a warning to those in power to retrace their policy before it is too late, may it not be neglected; for nations require occasionally to be reminded that "the love of Conquest is national ruin, and that there is a power which avenges the innocent blood." Our interests in the East require consolidation, and not extension of our dominion."

With this single but characteristic quotation, however, we must conclude. Of the Commentary, it may, in brief, be said, that without displaying the fitful eloquence or the practised literary skill of the military Historian, it evinces a thorough mastery of the subject on which it treats, and it is written in clear, forcible, and unaffected language, with an earnestness that bespeaks the author's honesty of purpose, and with a scrupulous accuracy, to which his opponent can lay no claim. Colonel Outram has most fully and triumphantly vindicated his hitherto unsullied reputation from the aspersions which have been so ungenerously and so unjustly thrown upon it; he has cleared Lord Ellenborough's character from much of the guilt heretofore imputed to him in connection with the injuries inflicted on the Amírs; he has taken down the Conqueror of Sindh from the political eminence on which the Historian had so indiscreetly placed him, and fixed on him a brand of political dishonesty, which, it is to be feared, he will find it difficult to efface; and he has exposed, in General Napier's History of the Conquest, a series of mis-statements so numerous and so flagrant, as must for ever damage its claims to historical accuracy.

---











